

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEW MEXICO  
3                   UNITED STATES OF AMERICA,  
4    Plaintiff,  
5                   vs.    NO: CR-15-4268 JB  
6                   ANGEL DELEON, et al.,  
7    Defendants.  
8  
9    Transcript of excerpt of testimony of  
10    JASON VAN VEGHEL  
11    May 1, 2018  
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1	I N D E X	
2	EXAMINATION OF JASON VAN VEGHEL	
3	By Mr. Castellano	3
4	By Ms. Torraco	28
5	By Mr. Sindel	44
6	By Mr. Castellano	96
7	REPORTER'S CERTIFICATE	116
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
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21		
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1  
2           THE COURT: All right. Does the  
3 Government have its next witness or evidence?

4           MR. CASTELLANO: Yes, Your Honor, the  
5 United States calls Jason Van Veghel.

6           THE COURT: Mr. Van Veghel, if you'll come  
7 up and stand next to the witness box on my right,  
8 your left, before you're seated, my courtroom  
9 deputy, Ms. Bevel, will swear you in.

10           JASON VAN VEGHEL,

11           after having been first duly sworn under oath,  
12 was questioned, and testified as follows:

13           THE CLERK: Please be seated. Please  
14 state your name and spell your last name for the  
15 record.

16           THE WITNESS: Jason Van Veghel.

17           THE COURT: Mr. Van Veghel. Mr.  
18 Castellano. All right. Mr. Castellano.

19           MR. CASTELLANO: Thank you.

20           DIRECT EXAMINATION

21 BY MR. CASTELLANO:

22 Q. Good morning, Mr. Van Veghel. I want to  
23 take you back to November 12 and 13 of 2012. And do  
24 you remember that time period?

25 A. Yeah.

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1           Q. Now, during that time, where were you  
2 living?

3           A. I was living at the beginning of Payton  
4 Road in a motor home behind a friend of mine's  
5 house.

6           Q. Let me have you move a little bit closer  
7 to the microphone, please, to make sure the jury can  
8 hear you. And at some point, you said you were  
9 living in a mobile home?

10          A. It was a motor home.

11          Q. And did you end up staying in that motor  
12 home?

13          A. No. My girlfriend was in jail at the time  
14 and so I -- we didn't have propane, so I was staying  
15 with Joe at his house.

16          Q. When you say "Joe," who are you referring  
17 to?

18          A. Joe Gallegos.

19          Q. You also mentioned a girlfriend being in  
20 jail. What was her name?

21          A. Karen Cartwright.

22          Q. How was it that you found yourself at Joe  
23 Gallegos' place?

24          A. We were recycling metal together, and it  
25 was cold. He had a wood stove, so I would stay

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1 there.

2 Q. And so did he allow you to stay at his  
3 place?

4 A. Yeah.

5 Q. When you said you didn't have any propane  
6 in November, is that basically the winter months?

7 A. Yes.

8 Q. And was it cold in your place without  
9 having propane?

10 A. Yes.

11 Q. You mentioned scrapping metal with Joe  
12 Gallegos. Did you ever do that with Andrew  
13 Gallegos, as well?

14 A. Sometimes. He wouldn't really help. He  
15 didn't like to really scrap metal, I don't think,  
16 not much.

17 Q. And during that period of time, were you  
18 also using drugs?

19 A. Yes.

20 Q. What kind of drugs were you using?

21 A. Heroin.

22 Q. Were you using any other kind of drugs?

23 A. Methamphetamine.

24 Q. Now, when you scrapped metal, what did you  
25 do with some of that money?

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1 A. Buy heroin.

2 Q. And is that something that you and Joe  
3 Gallegos would do together?

4 A. Yes.

5 Q. Now, during the November 12 time period,  
6 is that one of the times you were staying at Joe  
7 Gallegos' house?

8 A. Yes.

9 Q. And you mentioned a second ago that you  
10 had been using drugs. During that time period, had  
11 you been up for some period of time?

12 A. Yes.

13 Q. Why was that?

14 A. Because I was trying to raise the money to  
15 pay the bond to get my girlfriend out of jail, and  
16 we were just scrapping metal. So I stayed awake.

17 Q. During that period did you go to sleep at  
18 Joe Gallegos's house?

19 A. Yes.

20 Q. In which room did you sleep?

21 A. I slept in Andrew's room. It would be on  
22 the north end of the trailer.

23 Q. You mentioned sleeping in Andrew's room.  
24 Do you remember, when you went to sleep that night,  
25 whether or not Andrew was also in the trailer or

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1 slept in that room with you?

2 A. Nobody. I was in there by myself. I  
3 don't recall if he was still there or not. I don't  
4 remember. I was really tired and I fell asleep. I  
5 don't even know.

6 Q. You mentioned falling asleep. At some  
7 point did you wake up?

8 A. I was woken up.

9 Q. And would you have woken on your own, had  
10 you not been woken up?

11 A. No, probably not.

12 Q. Who was it who woke you?

13 A. Joe.

14 Q. Did you have any idea what time it was  
15 when he woke you?

16 A. I didn't know what time it was. It was  
17 still dark outside. I don't know exactly the time.

18 Q. Did he ask you to do anything?

19 A. Yeah, he asked me to clean up the living  
20 room and tear up the carpet, and to clean -- just  
21 clean over here, he said, pointing towards the air  
22 compressor. So I did that.

23 Q. Did he give you anything when he made that  
24 request of you?

25 A. Yeah, he gave me some heroin, told me to

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1 get well.

2 Q. Okay. Now, can you explain that to the  
3 members of the jury, when he said he told you to get  
4 well?

5 A. Just whenever you wake up, usually, after  
6 sleeping and you're doing heroin, you don't feel  
7 good when you wake up. So you do some to get well,  
8 you call it, I guess. I don't know. Just to get  
9 better.

10 Q. And then once you use the heroin, does  
11 that help you feel better and get on with your day?

12 A. Yeah.

13 Q. And during those times, were there times  
14 when you would use multiple times a day when you  
15 weren't feeling well?

16 A. Yeah.

17 Q. So what did you do in response to his  
18 request that you help clean up?

19 A. I tore up the carpet and I cleaned up  
20 the -- I was cleaning up, just did what he asked me  
21 to do.

22 Q. And can you describe for the members of  
23 the jury how much of the carpet space was used in  
24 the trailer that you pulled up?

25 A. There was only like half of the room had

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1 carpet in it. There was -- like, the other half  
2 was -- I don't know if it was missing, or if it  
3 was -- there was only half of it. I'm not sure how  
4 it was before, but it was just half carpet and half  
5 wood.

6 Q. And when you were pulling up the carpet,  
7 did you have to move any furniture to remove the  
8 carpet?

9 A. Yeah, I had to move, like, a hutch that  
10 had some knickknacks and stuff in it. And so I just  
11 kind of moved it and pulled the carpet up. Just  
12 moved the furniture around so I can get it up, you  
13 know, the carpet.

14 Q. And was the carpet tacked down in any way  
15 to the floor?

16 A. In the corners, on the side of the walls,  
17 it still had the tack strip down on it.

18 Q. What did you do when you finished pulling  
19 up the carpet?

20 A. I just rolled it up and threw it on the  
21 front porch. Dragged it outside and put it on the  
22 front porch.

23 Q. Did you clean anything else inside the  
24 house?

25 A. Yeah, I cleaned. There was -- I cleaned

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1 up around the air compressor. There was a couple  
2 drops of blood on the air compressor hose.

3 Q. You said it was on the hose?

4 A. Yeah.

5 Q. Did you clean anything else?

6 A. Yeah. There was a broken table leg on the  
7 floor, on the carpet, and I threw it in the  
8 fireplace.

9 Q. And as best you can, explain what the  
10 table leg looked like?

11 A. Square. A regular table leg, but it was  
12 broken in half.

13 Q. And did you remember that table leg being  
14 there before?

15 A. No.

16 Q. Was there anything else that you cleaned?

17 A. There was, like, one drop of blood or  
18 could have been paint. I'm not sure. It was on the  
19 freezer right by the front door.

20 Q. Now, you mentioned there was blood on the  
21 air compressor hose, but then you weren't sure about  
22 the freezer. What was the difference between what  
23 was on the air compressor hose and the freezer?

24 A. The freezer was just one drop and it was  
25 dry, so it didn't wash off with the rag. So there

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1 was a grinder sitting there, so I used the grinder  
2 and just grinded it off.

3 Q. Did Joe Gallegos explain to you why he  
4 wanted that area cleaned?

5 A. No.

6 Q. And at some point do you remember  
7 seeing -- after you finished cleaning, do you  
8 remember seeing Joe and Andrew Gallegos?

9 A. Sometime later they came back and picked  
10 me up, and I went with them to Belen, and we stayed  
11 at a friend of their's house, and smoked meth and  
12 they smoked meth.

13 Q. Was this now November 13 of 2012?

14 A. I don't recall.

15 Q. Let me ask you this. In terms of your  
16 drug use over the years, what drugs have you used?  
17 You mentioned heroin and methamphetamine. What are  
18 the other substances?

19 A. I've used crack cocaine. I used powdered  
20 cocaine. I used mushrooms. I've used acid. That's  
21 about it. Marijuana.

22 Q. Do you sometimes have problems with your  
23 memory?

24 A. Yes.

25 Q. And to what do you attribute the memory

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1 issues?

2 A. To my drug use.

3 Q. And is it easier for you to remember  
4 events than it is to remember dates?

5 A. I would say, yes.

6 Q. Okay. I want to take you back now to  
7 going over to a friend's house. Do you remember  
8 what her name was?

9 A. Margaret Calles.

10 A. Did anyone call her any other names? Does  
11 she have a nickname?

12 A. Green Eyes.

13 Q. So you mentioned that you and the Gallegos  
14 brothers all used methamphetamine?

15 A. Yeah. Yes.

16 Q. Do you recall how long you stayed at  
17 Margaret Calles' house?

18 A. It was probably till the next morning, I  
19 guess, when the sun started to come up, I guess.

20 Q. Do you remember doing anything else at  
21 Margaret Calles' place?

22 A. I left. Joe asked me to go pick up his  
23 dog at his house that night. So I went in his truck  
24 and went and picked up his dog. And on the way  
25 back, there was a sheriff that turned around and

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1 followed me for a little while. And then when I got  
2 back to Margaret's house with the dog, he said that  
3 he heard the -- on the scanner that the police --

4 MS. TORRACO: Hearsay.

5 THE COURT: Hold on. Are you trying to  
6 solicit these statements?

7 MR. CASTELLANO: I am, Your Honor, as a  
8 statement by a party opponent.

9 THE COURT: Are we still -- I thought he  
10 was about to testify about something that somebody  
11 else said. Am I wrong?

12 MR. CASTELLANO: You are correct, Your  
13 Honor. I believe he'll say it was one of the  
14 Gallegos brothers.

15 MS. TORRACO: I thought it was the police  
16 scanner.

17 THE COURT: Yeah, I thought it was the  
18 police, as well. Why don't you ask the next  
19 question so I can track who is saying what and see  
20 if we have a hearsay within a hearsay problem.

21 BY MR. CASTELLANO:

22 Q. Okay. You mentioned somebody saying  
23 something to you. Who was that person?

24 A. Joe.

25 Q. And what did Joe tell you?

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1       A.    That he heard on the scanner that the  
2 police had run the plates of the truck.

3       Q.    And what truck were you driving?

4       A.    He had an extended-cab Chevy pickup, white  
5 pickup.

6       Q.    And did that concern anybody?

7            MR. SINDEL: I'll object, Your Honor.

8 "Anybody?" That's hearsay, Your Honor, first of  
9 all, and how he would know that. It's speculation.

10          THE COURT: Well --

11          MR. CASTELLANO: I'll rephrase.

12 BY MR. CASTELLANO:

13       Q.    Did either Joe or Andrew Gallegos express  
14 concern to you that the vehicle had been run?

15       A.    Yeah, I guess. I don't really understand  
16 the question.

17       Q.    At some point did you and the Gallegos  
18 brothers leave that residence?

19       A.    Yeah. It was before the sun came up, or  
20 about the time the sun came up in the morning. I  
21 had to go. I had left some papers, the bond -- I  
22 paid the bond for my girlfriend, and I had to pick  
23 up those papers so I could go wait for her to be  
24 released at the jail. So we went back to his house  
25 to pick up that paperwork so he could drop me off at

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1 the jail and wait for them to release Karen.

2 Q. And when you were at Margaret Calles'  
3 place, how many of the Gallegos brothers' vehicles  
4 were there?

5 A. Two of them. He has a white flatbed  
6 pickup and the white extended-cab pickup.

7 Q. Okay. Now, when you were driving back,  
8 did the three of you go in one of those vehicles, or  
9 two of the vehicles?

10 A. We all went in the flatbed pickup.

11 Q. And do you remember if that's a single cab  
12 or a double-cab truck?

13 A. It's a single cab.

14 Q. Do you recall anything happening when you  
15 were leaving the residence and driving back?

16 Q. Andrew pulled out a watch and some car  
17 keys, and Joe told him to get rid of that. And he  
18 threw them out the window, out the passenger window.

19 Q. Okay. Just to make sure we have our  
20 players correct, who had the watch and the keys?

21 A. Andrew.

22 Q. And then who said to get rid of them?

23 A. Joe.

24 A. And then who threw them out of the truck?

25 Q. Andrew.

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1 Q. Did you know anything about those keys or  
2 that watch that were thrown out of the vehicle?

3 A. No, I didn't.

4 Q. What happened next?

5 A. We went back to Joe's house and I picked  
6 up the bond paperwork and we went to the jail and  
7 dropped me off.

8 Q. I want to show you Government's Exhibit  
9 886, and I'm circling -- there are two vehicles in  
10 this picture. I'm circling the vehicle on the left.  
11 Do you recognize that vehicle?

12 A. Yeah.

13 Q. Whose vehicle is that?

14 A. That's Joe's flatbed pickup.

15 Q. Is that the one you were driving in that  
16 day?

17 A. Yeah.

18 Q. And you mentioned it's only a single cab.  
19 Were the three of you in the cab that day?

20 A. Yes.

21 Q. Who was driving?

22 A. Joe was driving. I was sitting in the  
23 middle, and Andrew was in the passenger seat. It  
24 was all the same seat, but...

25 Q. You mentioned earlier that you put some

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1 carpet on the front porch?

2 A. Yes.

3 Q. Whatever happened to that carpet?

4 A. I don't recall. I don't even really know,  
5 because I wasn't there. I was at the jail the whole  
6 day, waiting for Karen to be released. But when I  
7 came home -- she didn't get released that day,  
8 however, so I walked and got a ride about halfway  
9 there to the residence that I was staying at  
10 sometimes. It's around the corner from Joe's. But  
11 whenever I got back to Joe's that evening, the  
12 carpet wasn't there no more. I don't know what  
13 happened to it.

14 Q. Did you ever see it again?

15 A. No.

16 Q. At some point, do you remember being  
17 invited -- well, at some point that day being  
18 invited with the Gallegos brothers to what I'll call  
19 a family gathering?

20 A. Yes.

21 Q. Did they have a special type of name for  
22 the gathering?

23 A. They call it a matanza.

24 Q. What happened there?

25 A. We just ate some food, and then they

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1 brought home a leg of the pig, wrapped in that  
2 sweatshirt.

3 Q. At some point in time do you remember  
4 someone named Danny Orndorff, or Sleepy, going by  
5 the Gallegos residence?

6 A. Yes.

7 Q. What do you remember about him being  
8 there?

9 Q. He came by and he said that he had been  
10 talking to Adrian's girlfriend, and that the cops  
11 would be coming to raid the house later, he said.

12 Q. All right. What happened as a result of  
13 you or the others hearing that information?

14 A. Joe got some rifles and a couple guitars  
15 and told me to stash these. So I took them to the  
16 trailer, the motor home where I was staying, and I  
17 just stashed them there.

18 Q. What do you remember about those firearms?

19 Q. They were all in cases, and some of them  
20 had scopes on them, and one of them was a small -- I  
21 recall I think it's a .22 rifle. Maybe it didn't  
22 have no scope. I think it was sawed off or cut --  
23 the barrel or stock was cut on it.

24 Q. When you said it was sawed off or cut, did  
25 it look shorter than a normal rifle?

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1           A. Yes, it looked shorter than a normal  
2 rifle.

3           Q. What eventually happened to those guns?

4           A. Andrew and Joe ended up going to jail and  
5 Joe Gallegos' daughter told me to get rid of the  
6 guns and put the money on his books at the jail.  
7 And I didn't want to do that, so a friend -- a  
8 mutual friend of his and mine, I asked him if he  
9 would take care of that, so I didn't have to deal  
10 with that.

11          Q. And did you turn those firearms over to  
12 somebody else?

13          A. Yes.

14          Q. Which daughter was it who asked you to get  
15 rid of the weapons?

16          A. I don't know. I don't remember. I  
17 think -- I'm not sure what his daughters' names are.

18          Q. But whose daughter was it?

19          A. It was Joe's.

20          Q. You mentioned not being able to get your  
21 girlfriend out of jail. Did you eventually get her  
22 out of jail?

23          A. Yeah. The next day I went back to the  
24 jail and she was released about 4:00 or 5:00 that  
25 day.

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1 Q. And what happened once she was released?

2 Q. We started walking, and I called Joe, and  
3 he came and picked us up.

4 Q. Did he pick you up at the jail or did he  
5 pick you up somewhere else?

6 A. We had already began walking towards the  
7 house, towards Los Chavez.

8 Q. Did you go anywhere on the way home?

9 A. We stopped at the Allsup's to get  
10 cigarettes, and Joe wanted to pay his cable bill. I  
11 think he picked up a money order.

12 Q. Did he have cash to do that?

13 A. Yeah.

14 Q. Did you eventually return to Joe and  
15 Andrew's trailer?

16 A. Yes.

17 Q. What happened once you returned?

18 A. We went and ran some errands, I guess. We  
19 went with Anthony. Karen and I, we call him Anton.  
20 We went with him to go visit his son, I think,  
21 because he had MS and he was dying. So we went and  
22 visited him. And then later that day we went back  
23 to Joe's house and I dropped Karen off there, and I  
24 went with Anthony to his house. And then that's  
25 when the state police served the search warrant

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1 there.

2 Q. So did the state police begin searching  
3 that residence whenever you were away from the  
4 residence?

5 A. Yes.

6 Q. Where were the Gallegos brothers at that  
7 time?

8 A. I don't know. I think they went -- they  
9 said they were going to go to Albuquerque or  
10 something.

11 Q. Did they indicate to you how long they  
12 would be staying in Albuquerque?

13 A. No.

14 Q. Were you allowed to stay in their trailer  
15 while they were gone?

16 A. Yeah. He said that we could stay there.

17 Q. How did you know the state police were  
18 searching the home if you weren't there?

19 A. Karen called me and she told me that.

20 MS. TORRACO: Objection, hearsay.

21 MR. CASTELLANO: It is hearsay. I'll move  
22 to another question, Your Honor.

23 THE COURT: All right.

24 BY MR. CASTELLANO:

25 Q. Once she called you, did you then return

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1 to the residence?

2 A. No, I walked from Anthony's house down to  
3 the stop sign on Miller Road. It's the same -- one  
4 of the main roads that goes to Joe's house. And the  
5 state police brought Karen over there, and they  
6 talked to me there.

7 Q. And do you remember giving a statement to  
8 the state police on a couple of occasions?

9 A. Yeah, I remember speaking with them.

10 Q. Do you remember also speaking to the FBI  
11 about what you're telling the jury today?

12 A. Yeah.

13 Q. At some point were you present at the  
14 Gallegos residence in 2016 when the FBI executed a  
15 warrant at that residence?

16 A. Yeah. At that time I was staying around  
17 the corner at a friend of mine's house. I was  
18 living there, and there were some older people and I  
19 was helping them. And the FBI came and asked me to  
20 go back to Joe's house. And I went over there, and  
21 just showed them where I stayed in -- the room I  
22 stayed in, and where the carpet was, just the stuff,  
23 just to corroborate my statements.

24 Q. So when they were searching the residence,  
25 were you able to walk around and point things out to

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1 them?

2 A. Yeah.

3 Q. And were you able to point out Andrew's  
4 bedroom as well as Joe's bedroom?

5 A. Yes.

6 Q. Did you point out for them the area where  
7 you had removed the carpet?

8 A. Yes.

9 Q. As well as the area where you cleaned the  
10 blood?

11 A. Yes.

12 Q. Did you ever know Joe Gallegos to carry or  
13 have handcuffs with him?

14 A. Yeah, Joe has -- he had some handcuffs he  
15 would keep in the door pocket of his pickup.

16 Q. How did you know they were there?

17 A. Because I was always cautious of him maybe  
18 trying to put them on me someday.

19 Q. So had you seen them in the vehicle?

20 A. Yes.

21 Q. I want to go back to your heroin use for a  
22 second. When did you first start using heroin?

23 A. Whenever I went to prison for a stolen  
24 vehicle.

25 Q. And about when was that?

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1 A. 1999.

2 Q. And before that time, had you not used  
3 heroin?

4 A. No, I would never have used it had I not  
5 gone to prison.

6 Q. And did you go to prison first time you  
7 were convicted, or did you go on a probation  
8 violation?

9 A. It was a probation violation for  
10 absconding my probation.

11 Q. Do you have any other convictions  
12 involving stolen vehicles?

13 Q. I think I have one more. I don't really  
14 recall because whenever I paroled from prison, I  
15 paroled straight to the county jail, and I sat there  
16 in solitary confinement for six months, and then  
17 they released me. But the reason why I paroled to  
18 the jail was because they said there was another  
19 stolen vehicle or something. So I'm not exactly  
20 sure how that went. But I was released after I did  
21 half of my parole in the jail, and I did the other  
22 half of the parole on the streets and I was done.  
23 So I don't really know.

24 Q. And do you have another conviction related  
25 to forgery related to checks?

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1 A. Yes.

2 Q. About when was that?

3 A. That was last year, I think it was.

4 Q. I want to ask you about one more  
5 conviction related to what I'll call child  
6 endangerment?

7 A. Yes. I was living in Pennsylvania at the  
8 time, and the police were looking for a friend of  
9 mine, and he happened to be at my house. So they  
10 served a search warrant, and they -- his girlfriend  
11 had traded purses with -- I'm going to call her my  
12 daughter, because I raised this little girl. She  
13 put her purse in her room and took one of Katie's  
14 purses. And then when they served a search warrant,  
15 they found her purse and it had syringes and stuff  
16 in her purse, and it was in my daughter's room, so  
17 they charged us with child endangerment.

18 Q. Because there were drugs and things of  
19 that nature in your daughter's room, you were  
20 charged with that?

21 A. Yes.

22 Q. Going back to heroin, I want to ask you if  
23 you knew anybody named Adrian Burns?

24 A. I didn't personally know the guy.

25 A. Were you aware that he was dealing heroin?

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1                   MR. SINDEL: I object, Your Honor. It  
2 calls for conclusion and hearsay.

3                   THE COURT: Well, let's ask if he knows,  
4 first of all, and if he doesn't, then we can move  
5 on.

6 BY MR. CASTELLANO:

7 Q. Do you know from your dealings with the  
8 Gallegos brothers that Adrian Burns dealt heroin?

9 A. Yes.

10 Q. How do you know that?

11 A. Before the Gallegos brothers ever scored  
12 from him, I had never even seen the guy before. But  
13 I've heard the name Babylon numerous times prior to  
14 that. And after we recycled some metal one day, we  
15 went to the Allsup's in Los Lunas, and he bought  
16 some heroin from Adrian Burns, I guess, Babylon. I  
17 don't know.

18 Q. And did either Joe or Andrew Gallegos ever  
19 share heroin with you through your working with the  
20 scrap metal?

21 A. Yeah.

22 MR. CASTELLANO: May I have a moment, Your  
23 Honor?

24 THE COURT: You may.

25

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1 BY MR. CASTELLANO:

2 Q. Mr. Van Veghel, when Andrew Gallegos threw  
3 the keys and the watch out the window, was that  
4 still 2012?

5 A. I don't recall. My memory of dates is  
6 bad. If it was around the time when Karen was  
7 getting out of jail, then yes.

8 Q. And did you also help the FBI try to find  
9 those keys and that watch?

10 A. Yes.

11 Q. How did you do that?

12 A. I just pointed out the area where -- down  
13 the road that we were driving down when he threw  
14 them out.

15 Q. And how many years was this after Adrian  
16 Burns died?

17 A. Probably maybe a year or two. I'm not  
18 sure.

19 Q. And are you aware of whether or not the  
20 keys or the watch were ever found?

21 A. I have no idea.

22 MR. CASTELLANO: Your Honor, I pass the  
23 witness.

24 THE COURT: Thank you, Mr. Castellano.

25 Mr. Sindel, Ms. Torraco?

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1 MS. TORRACO: May I have just a moment?

2 THE COURT: Certainly. Ms. Torraco.

3 MS. TORRACO: Thank you very much, Your  
4 Honor.

5 CROSS-EXAMINATION

6 BY MS. TORRACO:

7 A. Good morning, Mr. Van Veghel.

8 A. Good morning.

9 Q. You don't sound too good this morning.

10 Q. I'm fine.

11 Q. You're not feeling good?

12 Q. No, I'm fine.

13 A. You are fine? Are you usually this  
14 bright-eyed and alert in the mornings?

15 A. Yeah.

16 Q. You really are? Did you use heroin or  
17 meth last night?

18 A. No.

19 Q. Did you use any drugs last night?

20 A. No.

21 Q. When is the last time you used meth?

22 A. Probably -- I don't -- I can't recall.

23 It's been a while. I use methadone so I could stay  
24 clean.

25 Q. Oh. So you want this jury to believe that

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1 you're now clean from methamphetamines? Have you  
2 used methamphetamines in the last week?

3 A. No.

4 A. Is it your testimony that you no longer  
5 use drugs?

6 A. No, methadone is a drug.

7 Q. Okay. So you don't use any other illegal  
8 substances?

9 A. No.

10 Q. Okay. And so your eyelids are always kind  
11 of droopy and you're always kind of --

12 A. That's what methadone does to you.

13 Q. And that's also what meth does to you;  
14 isn't that true?

15 A. No, it's not true.

16 Q. Okay. So you went to a matanza that was  
17 hosted by the Gallegos family; isn't that true?

18 A. I don't know if they were relatives or  
19 not.

20 Q. Isn't it true that the Gallegoses had a  
21 matanza on November 11, 2012? Do you recall that?

22 A. I don't recall the date, but yeah.

23 Q. Okay. Around the time of Adrian Burns'  
24 death, isn't it true that the Gallegoses hosted a  
25 matanza?

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1 A. They were guests. They weren't hosts.

2 Q. Okay. Isn't it true that the Gallegos  
3 brothers are the ones that slaughtered the pig?

4 A. I'm not -- I don't -- I don't think they  
5 slaughtered the pig. I'm not sure.

6 Q. Well, how is it that you remember all  
7 these other details and you can't remember something  
8 about what happened on Veterans Day of 2012?

9 A. I can't tell you how my brain works. I  
10 can just tell you what I can remember.

11 Q. Okay. So you do remember the matanza or  
12 you don't remember the matanza? I'm not really  
13 clear.

14 A. Yeah, I remember the matanza.

15 Q. Okay. And you remember that there was a  
16 pig that was roasted; correct?

17 A. Yes.

18 Q. And do you remember -- isn't it true that  
19 that was at the Gallegos home?

20 A. No.

21 Q. Okay. Where was it?

22 A. It was in Belen.

23 Q. Okay. And is it your testimony that  
24 you're the one that brought home the pig that night?

25 A. No.

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1 Q. You're saying you brought home a pig from  
2 another day?

3 A. No, I didn't bring home the pig at all.

4 Q. I thought your testimony was you brought  
5 home the pig head, you wrapped it in a sweatshirt.

6 A. I said it was wrapped in a sweatshirt, not  
7 that I wrapped it in a sweatshirt. It was in a  
8 sweatshirt.

9 Q. Who got the pig head at the end of the  
10 party?

11 A. The pig head? Is that what you said?

12 Q. That's what I said. Is that what you  
13 said?

14 A. I don't know. Your guess is as good as  
15 mine.

16 Q. Who brought home the pig?

17 A. Joe did, put it in the truck.

18 Q. Okay. Joe put it in his truck?

19 A. He didn't bring home the whole pig. Just  
20 the leg of a pig.

21 Q. And it was wrapped in a sweatshirt?

22 A. Yes.

23 Q. And he brought it home in his truck to his  
24 trailer?

25 A. Yes.

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1 Q. And was it the next day, then, that the  
2 Burns body was found?

3 A. I don't know. I don't know the dates. I  
4 know that it was -- all I know is that that  
5 sweatshirt is -- that the state police found the  
6 bloody sweatshirt in his house when they served the  
7 search warrant.

8 Q. And you are saying that that was the  
9 bloody shirt that the pig was wrapped in; is that  
10 correct?

11 A. I think -- that's what I heard. I'm not  
12 sure.

13 Q. Okay, well, you testified this on direct.

14 A. I'm still testifying it.

15 Q. I know, but you testified that the bloody  
16 pig, whatever, was wrapped in a sweatshirt?

17 A. Yes.

18 Q. And that is still your testimony; correct?

19 A. That's right.

20 Q. And it was taken by Joe Gallegos; correct?

21 A. Yes.

22 Q. So when you say that there was blood or  
23 paint on the freezer, you don't know whose blood  
24 that is. Isn't that true?

25 A. Of course, no, I don't.

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1 Q. And the same thing with the blood on the  
2 air compressor. You don't know whose blood that is.

3 A. Of course not.

4 Q. And could it have been paint?

5 A. Unless they were painting in the room, and  
6 the room wasn't red. I don't think it was paint.

7 Q. Well, then, why did you testify earlier  
8 that the freezer had blood or paint on it?

9 A. Because it was dried. You didn't hear me  
10 say that?

11 Q. I heard you and I read it.

12 A. Okay.

13 Q. So I'm not concerned about my testimony,  
14 my accuracy. I'm concerned about yours, Mr. Van  
15 Veghel.

16 MR. CASTELLANO: Objection, Your Honor.

17 Q. Could you please tell the jury --

18 THE COURT: Well, why don't we just not  
19 argue and let's see if the witness will cooperate  
20 with you.

21 MS. TORRACO: Thank you, Your Honor.

22 THE COURT: Sustained.

23 BY MS. TORRACO:

24 Q. Would you please tell the jury how you  
25 know it was blood on the air compressor?

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1           A. I don't. It was wet.

2           Q. Thank you. And did you -- I don't recall  
3 that you testified that there was blood on the  
4 carpet. Isn't it true that there was no blood on  
5 the carpet?

6           A. I don't know. I didn't see no blood on  
7 it, but I couldn't tell you if there was or not.

8           Q. Okay. But by the naked eye, looking at  
9 the carpet in Joe Gallegos' trailer, isn't it true  
10 that there was no blood apparent on that carpet?

11          A. I don't know. I didn't see blood on the  
12 carpet.

13          Q. Okay. And you don't know why Joe Gallegos  
14 told you to rip up the carpet, if he did; isn't that  
15 true?

16          A. I don't know why. I was asleep. I was  
17 woken up and asked to do this. I didn't have any  
18 idea why.

19          Q. Were you doing meth around that time?

20          A. Yes.

21          Q. And isn't it true that when you're doing  
22 meth, your perception of reality is slightly  
23 altered?

24          A. No. Some people, I guess.

25          Q. Isn't that true that's why you do meth, so

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1 you can escape from reality?

2 A. No.

3 Q. So now you're testifying that Andrew  
4 Gallegos pulled out a watch and a set of keys; is  
5 that true?

6 A. Yes.

7 Q. What kind of watch was it?

8 A. I don't know. I didn't see it that close.

9 It was just a silver watch.

10 Q. It was silver? And what kind of keys?

11 A. Car keys.

12 Q. Okay. How do you know they weren't house  
13 keys?

14 A. Because there was a little key fob on it,  
15 the thing that you use to undo the alarm or whatever  
16 on a car.

17 Q. I'm sorry, it was for an alarm?

18 A. I could see -- house keys and car keys,  
19 they're different.

20 Q. And how many keys were on that ring?

21 A. More than one.

22 Q. Were there more than two?

23 A. There was -- I couldn't tell you exactly  
24 how many keys were on it.

25 Q. And were you doing meth at the time that

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1 you supposedly saw Andrew with keys and the watch?

2 A. Yes.

3 Q. Okay. And so isn't it true that you were  
4 under the influence of methamphetamines when this  
5 happened?

6 A. Yes.

7 Q. And is your testimony that there was a key  
8 fob on that ring?

9 A. Yes.

10 Q. And do you know that some houses have key  
11 fobs?

12 A. Not that I -- I guess I'm not from that  
13 rich part of the neighborhood.

14 Q. And isn't it true that at some point there  
15 was a fear that there was a stolen vehicle on the  
16 property of Joe Gallegos? Isn't that true?

17 A. I don't know.

18 Q. Isn't it true that sometimes you and Joe  
19 Gallegos would cut up cars, old abandoned cars?

20 A. Yes.

21 Q. Okay. And isn't it true that you don't  
22 know which keys that key ring went to?

23 A. That's true.

24 Q. And in fact, you don't know whose watch  
25 that was. Isn't that true?

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1 A. That's true, too.

2 Q. Isn't it true that since you were under  
3 the influence of methamphetamines, you don't even  
4 know exactly what they had; isn't that true?

5 A. What do you mean?

6 Q. Where were you when Andrew pulled out a  
7 watch and a ring of keys?

8 A. Driving on the back road going back to  
9 Joe's house so I could pick up the paperwork to go  
10 wait at the jail.

11 Q. What day was this?

12 A. I don't remember the date. It was the day  
13 before the police raided the house.

14 Q. And this was after the matanza?

15 A. The day after.

16 Q. And the day after the matanza is the day  
17 that Adrian Burns died, so it was --

18 A. It was before the matanza.

19 Q. It was before the matanza?

20 A. The matanza was the same day, later that  
21 day.

22 Q. So it was the morning of the matanza?

23 A. It was the morning of the matanza, yes.

24 Q. You're sure about that?

25 A. Positive.

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1 Q. Okay. Did you discuss your testimony with  
2 anyone who is sitting over here at this table?

3 A. Yes.

4 Q. And who with the Government have you  
5 discussed your testimony with?

6 A. Bryan. I think it's Randy.

7 Q. Agent Bryan Acee?

8 A. Yes.

9 Q. And also with the prosecutor,  
10 Mr. Castellano?

11 A. Yes.

12 Q. When did you discuss your testimony with  
13 them?

14 A. I'm not sure the dates exactly.

15 Q. You don't have to give me the dates. You  
16 can just tell me approximately and tell the jury  
17 approximately when you talked to them. Did you meet  
18 with them yesterday?

19 A. Yes.

20 Q. Did you meet with them before yesterday?

21 A. Yes.

22 Q. And did they pay for your hotel down here?

23 A. Yes.

24 Q. And have they given you any extra money  
25 for coming down?

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1 MR. CASTELLANO: Objection, Your Honor.

2 That's actually a witness fee.

3 MS. TORRACO: Well, they can clear that  
4 up.

5 THE COURT: I'll let you deal with it.

6 Overruled.

7 MS. TORRACO: Thank you very much, Your  
8 Honor.

9 BY MS. TORRACO:

10 Q. Did they actually give you money for  
11 coming down here?

12 A. No.

13 Q. Are you expecting to get money?

14 A. They said that they were going to pay for  
15 my food and gas and everything, yeah.

16 Q. Okay. So you're expecting to get some  
17 reimbursement for your expenses?

18 A. Yeah.

19 Q. And did you stay at a nice hotel last  
20 night?

21 A. Did I stay what?

22 Q. At a nice hotel? I can't ask you which  
23 hotel, but I imagine it was a pretty nice one,  
24 wasn't it?

25 A. It was just a hotel with a bed and a TV.

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1 Q. Was it better than Joe Gallegos' place?

2 A. Yeah. This one had cable.

3 Q. And what did you eat last night for  
4 dinner?

5 A. I ate food.

6 Q. Could you specifically tell the jury what  
7 you had for dinner last night, please?

8 A. I don't really recall. Pizza. I think it  
9 was pizza, yeah.

10 Q. Who did you go to dinner with?

11 A. With my girlfriend.

12 Q. Who is your girlfriend?

13 A. That doesn't concern this case.

14 MS. TORRACO: Your Honor, I'd ask that the  
15 witness be instructed to answer this question.

16 THE COURT: Well, what's the relevance of  
17 it?

18 MS. TORRACO: He's referred to his  
19 girlfriend several times throughout his direct  
20 testimony, and I'd like to know if it's the same  
21 girlfriend.

22 A. No, it's not.

23 MS. TORRACO: And I think it may be  
24 relevant, especially if she's involved in this case.

25 A. She's not involved in this case and I'm

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1 not going to tell you her name.

2 THE COURT: Unless you can give me more  
3 relevance, I won't compel it.

4 MS. TORRACO: Okay.

5 BY MS. TORRACO:

6 Q. Why is it, Mr. Van Veghel, that you don't  
7 want to tell who your girlfriend is?

8 A. Because it doesn't concern you.

9 Q. So your girlfriend got to stay in the  
10 hotel with you last night?

11 A. Yeah.

12 Q. And would you guys consider that a nice  
13 treat?

14 A. Sleeping on a bed?

15 Q. Isn't it true that taking your girlfriend  
16 to a hotel for the night was a nice treat?

17 A. It was --

18 Q. Yes or no?

19 A. No.

20 Q. Okay. And you said something about you  
21 were on parole or probation. Are you currently on  
22 parole or probation?

23 A. No.

24 Q. Do you currently have any pending charges?

25 A. No.

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1 Q. Do you know Morgan Ramirez?

2 A. Yeah.

3 Q. Were you involved in the recent arrest for  
4 murder?

5 A. No.

6 Q. Do you hang out with Morgan Ramirez?

7 A. No.

8 Q. Are there any pawn shops in the Belen and  
9 Los Lunas area?

10 A. I don't know. I haven't pawned anything  
11 in -- ever.

12 Q. Okay. And how long have you lived in that  
13 area?

14 A. My whole life.

15 Q. So the blood that you did say that was on  
16 the air compressor -- isn't it true that that blood  
17 could have very easily been the pig's blood?

18 A. No, I doubt that. It was before that.

19 No, yeah, it was before the matanza.

20 Q. Oh, it was before the matanza that you saw  
21 this blood?

22 A. I imagine it was, because it was -- I'm  
23 not good with dates.

24 Q. Well, it's important, so --

25 A. The pig's blood -- because the pig's blood

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1 was on the sweater. The pig wasn't bleeding at  
2 Joe's house.

3 Q. So first of all, when did you see the  
4 blood? When did you see the blood on the  
5 compressor?

6 A. When Joe woke me up and asked me to clean  
7 up, pull up the carpet and clean up over here, he  
8 said.

9 Q. And was that the day before or after the  
10 matanza?

11 A. I think I already answered this question.

12 Q. I know, but I don't remember the answer so  
13 I get to ask you again.

14 MR. CASTELLANO: Objection, asked and  
15 answered.

16 THE COURT: Overruled.

17 A. I don't recall.

18 BY MS. TORRACO:

19 Q. You don't recall?

20 A. What's the question again?

21 MS. TORRACO: If I may have a moment,  
22 please, Your Honor?

23 THE COURT: You may.

24 BY MS. TORRACO:

25 Q. So what did you use to clean up the blood?

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1           A. Just a rag or -- just a rag that was  
2 laying somewhere near there. Just trash probably.

3           Q. Isn't it true that you did not use  
4 hydrogen peroxide?

5           A. No. No. I didn't use no peroxide.

6           MS. TORRACO: Thank you. Pass the  
7 witness.

8           THE COURT: Thank you, Ms. Torraco.

9           Mr. Sindel, do you have cross-examination  
10 of Mr. Van Veghel?

11           MR. SINDEL: Yes, Your Honor.

12           THE COURT: Mr. Sindel.

13                           CROSS-EXAMINATION

14 BY MR. SINDEL:

15           Q. Good morning, sir.

16           A. Good morning.

17           Q. I represent -- my name is Richard Sindel.  
18 I represent Mr. Gallegos. I'd like to ask you some  
19 questions, and I'd like to start out particularly  
20 with the situation about your past criminal  
activity. Okay?

22           A. Okay.

23           Q. All right. You said that you were  
24 initially on probation for stealing a motor vehicle,  
25 but your probation got violated; correct?

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1 A. No, I did not.

2 Q. Why is it that you were on probation and  
3 went to prison?

4 A. It did get violated, yeah.

5 Q. Why did you just answer the question that  
6 it didn't get violated?

7 A. I thought you were talking about my  
8 parole. Sorry.

9 Q. Well, did you hear me use the word  
10 "probation"?

11 A. Yes.

12 Q. When I asked you why your probation was  
13 violated, you said it wasn't violated; right?

14 Right?

15 A. Yeah.

16 Q. Okay. So if you just listen to the  
17 questions, we can get through this process. All  
18 right? Are you okay with that?

19 A. You ask the question one time, I'll answer  
20 it one time, and we'll get through it just fine.

21 Q. Why was your probation violated?

22 A. Because I absconded.

23 Q. So you basically took off?

24 A. I just didn't report.

25 Q. You didn't report. Right? You knew you

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1 were supposed to, if you wanted to stay on  
2 probation, and you knew if you didn't report, you  
3 might very well be violated.

4 A. I was young and it was 100 miles --

5 Q. Just answer the question, sir. Did you  
6 know you would be violated? I didn't ask you how  
7 old you were.

8 A. I didn't ask you how old you were, either.

9 Q. I know. We're not going to argue now, are  
10 we?

11 A. Are we?

12 Q. Would you just answer my question, sir?

13 A. Ask me the question again.

14 Q. Okay. When you absconded, you knew that  
15 was a violation of condition of your probation.

16 A. Yes.

17 Q. You knew that if your probation got  
18 violated, you'd go to prison?

19 A. I didn't know I was going to go to prison,  
20 but, yes.

21 Q. I mean, the alternative was either to  
22 continue you on probation when you were knowingly  
23 violating its conditions, or send you to prison;  
24 right?

25 A. Yeah.

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1           Q.    Okay.  So the judge made the decision you  
2 needed to go to prison?

3           A.    No.

4           Q.    Correct?

5           A.    I was sent to a 60-day evaluation, and the  
6 psych doctors and people there decided that I needed  
7 to go to prison.

8           Q.    So you got evaluated by a doctor to  
9 determine whether or not it was appropriate to send  
10 you to prison?

11          A.    I guess that's how it works.  I don't  
12 really know.  But I know that whenever I got back  
13 from the 60-day evaluation, they determined that I  
14 go to prison.

15          Q.    Okay.  Was it the judge that actually  
16 ordered you to go to prison?  Or did a doctor all of  
17 a sudden take over the role?

18          A.    The judge handed down the sentence.  I  
19 think it was the judge, but they took -- the doctors  
20 recommended it, I guess.

21          Q.    So the doctors recommended that they -- at  
22 least in their opinion there was nothing they could  
23 do for you other than to send you to prison?

24          A.    Right.

25          Q.    Now, you also said, I think, that you were

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1       convicted of forgery of a check; is that right?

2           A.    I didn't forge no check, but a check was  
3       given to me, and the guy who gave it to me I guess  
4       forged it. So the cop just decided to charge me  
5       with forgery.

6           Q.    Okay. So that was a situation where you  
7       got charged when you didn't really do anything  
8       wrong; correct?

9           A.    Correct.

10          Q.    And it was just a dirty cop, a crooked  
11       cop?

12          A.    No.

13          Q.    Well, you said the cop decided to charge  
14       you even though you didn't do anything?

15          A.    The guy that wrote the check was with me  
16       and he told the cops that it was him that gave me  
17       the check. He still decided to charge me with it.  
18       So he did, and that's how it went.

19          Q.    Did you go to trial as a result of that?

20          A.    No, I got -- I got unsupervised probation  
21       because they knew that I was innocent; I didn't do  
22       anything wrong.

23          Q.    Well, if you were innocent, why did you go  
24       to probation? You should have walked out of that  
25       courtroom a free person; right?

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1 A. Well, maybe I didn't want to fight.

2 Q. Maybe you didn't want to fight it. So did  
3 you enter a plea of guilty?

4 A. I don't recall if it was guilty or what,  
5 but I know that they gave me probation.

6 Q. Well, do you know from your involvement  
7 within the legal system that if you don't plead  
8 guilty, you have the right to a trial?

9 A. I could have went to trial, but -- I  
10 wanted to take it to trial because I was innocent,  
11 and they all knew I was innocent, so they just gave  
12 me unsupervised probation so they could, you know,  
13 get it over with.

14 Q. Did you have a trial?

15 A. Did I just say I had a trial?

16 Q. I don't know. I couldn't understand  
17 exactly what you were saying. Did you say you had a  
18 trial?

19 A. No, I didn't.

20 Q. Okay. You pled guilty; right?

21 A. I guess I did.

22 Q. I don't want you to guess. I mean, did  
23 you stand --

24 A. What does this have to do with this case?

25 Q. What?

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1 A. What does this have to do with this case?

2 Q. Sir, just please answer the questions. If  
3 they don't think that it doesn't have anything to  
4 do, they have a right to object. Okay?

5 Did you plead guilty to that crime?

6 A. I don't recall.

7 Q. Then there was a situation of child  
8 endangerment, I think, and you said basically there  
9 was a circumstance where your daughter was in a room  
10 where there were drugs?

11 A. She wasn't in the room where there was  
12 drugs, but it was her room. The police found this  
13 girl's purse in there, and it had syringes in it.

14 Q. Had syringes in it?

15 A. The drugs weren't in her room, but it had  
16 syringes.

17 Q. Syringes that are used for injecting  
18 drugs?

19 A. Yeah.

20 Q. Syringes that are used for injecting  
21 heroin?

22 A. Yes.

23 Q. Syringes that are used for injecting  
24 methamphetamine?

25 A. Yes.

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1 Q. And that's how you introduce those  
2 substances into your body, isn't it?

3 A. Sometimes.

4 Q. You inject them so you get the maximum  
5 effect of the drug?

6 A. I guess you could say that.

7 Q. I guess you could say that; right?

8 A. I guess I could, too.

9 Q. And that's true, isn't it?

10 A. Yeah.

11 Q. So now, when you were charged with child  
12 endangerment involved your daughter when she was  
13 around syringes or drugs, did you plead guilty to  
14 that or did you have a trial?

15 A. I don't recall.

16 Q. Well, you certainly were able to recall  
17 the circumstances which you claim happened. Can you  
18 tell us whether you pled guilty or not?

19 A. I can't remember if I pled guilty or not.

20 Q. Did you go to court?

21 A. Yes.

22 Q. Did you have a lawyer?

23 A. Yeah.

24 Q. Did you stand in front of the Court and  
25 say, "You know, I let my young daughter be around

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1 people who were using drugs"?

2 A. I didn't say that. I'm sure I didn't say  
3 that.

4 Q. Did they say, "Were there drugs around  
5 where your daughter was staying?"

6 A. It was in 2006. I don't remember.

7 Q. When you told this jury what you claimed  
8 happened that resulted in that charge, you could  
9 remember that; right?

10 A. Well, of course.

11 Q. Well, it seems to me that if you were  
12 standing in front of a judge admitting to having  
13 endangered your own daughter, you might remember  
14 that. But you don't; right?

15 A. Right.

16 Q. You were using drugs that day when you  
17 went to court?

18 A. No.

19 Q. Well, how long had you quit using drugs  
20 that day when you went to court for endangering your  
21 daughter's life?

22 A. About three months.

23 Q. And when did you start using drugs again?

24 A. I don't recall.

25 Q. Well, isn't it true that you've been using

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1 drugs habitually ever since 1999?

2 A. Yeah.

3 Q. And you've been using heroin and  
4 methamphetamine?

5 A. That's correct.

6 Q. And you've been injecting them for maximum  
7 effect?

8 A. Correct.

9 Q. How long has it been you claim that you're  
10 on methadone?

11 A. About almost three years now.

12 Q. Do you go to a clinic?

13 A. Yes.

14 Q. How often?

15 A. Every day.

16 Q. You have to go daily to a methadone  
17 clinic, don't you?

18 A. You don't have to. I could -- I mean, my  
19 urines are clean. I could bring home all -- the  
20 whole month's supply, if I wanted to. But I travel  
21 so far to get there that I go every day. That way,  
22 I can get the reimbursement checks for the gas.

23 Q. So you get reimbursement checks for taking  
24 the methadone; right?

25 A. For the gas reimbursement, travel.

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1 Q. And you're also in the situation where you  
2 have to either take it at the clinic or you have to  
3 take it when you go home.

4 A. Correct.

5 Q. And if it wasn't for the methadone, you  
6 might very well be injecting heroin again?

7 A. Possibly.

8 Q. Did the police ever show you any  
9 photographs of any handcuffs?

10 A. No.

11 Q. Did they ever show you any photographs  
12 that they had developed as part of their  
13 investigation?

14 A. No.

15 Q. Was Karen at the matanza?

16 A. No.

17 Q. She was still in jail?

18 A. Yes.

19 Q. She was in jail for drugs?

20 A. I'm not sure what her charges are. I  
21 think it could have been a forgery or something.

22 Q. Could have been forgery?

23 A. I'm not sure.

24 Q. When you do a forgery, when you pass a  
25 check, you have to look somebody in the eye and tell

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1 them that that check is good, don't you? The whole  
2 idea behind passing a bad check is to convince  
3 somebody that it's a legitimate check; right?

4 A. I guess. I don't know.

5 Q. Did you get money for this fake check?

6 A. I'm not Karen.

7 Q. I'm not what?

8 A. I'm not Karen. She's the one with those  
9 charges, not me.

10 Q. I'm asking when you passed a check.

11 A. I didn't pass it. I wasn't trying to pass  
12 a bad check. I was told the check was good, and it  
13 was written out to me.

14 Q. Did you get money for the check?

15 A. No.

16 Q. Did you get anything for the check?

17 A. Yeah, I got thrown in jail.

18 Q. Did you get -- did you try to use that  
19 check?

20 A. I took it to the bank to try and cash it,  
21 and I ended up going to jail.

22 Q. So you were trying to convince the people  
23 at the bank that they could trust you; right?

24 A. No.

25 Q. You were trying to convince them that the

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1 check was good?

2 A. No.

3 Q. Did you say, "Look, I got this forged  
4 check here. Would you mind giving me some money for  
5 it?"

6 A. Yeah, that's what I said.

7 Q. Okay. And so then you ended up getting  
8 arrested because you had confessed right there in  
9 front of the bank; right?

10 A. Yeah, they told me that this is not a  
11 bank. This is the jailhouse.

12 Q. All right. So you went to the jailhouse  
13 to cash the check? Pretty good idea, huh? Just  
14 saving gas.

15 MR. CASTELLANO: I'm going to object.

16 Pursuant to Rule 609, he's admitted to the prior  
17 conviction.

18 THE COURT: Agreed. Sustained.

19 BY MR. SINDEL:

20 Q. Do you remember when it was that Karen got  
21 out of jail?

22 A. The same day that the search warrant was  
23 served on Joe's house.

24 Q. What day was that, sir?

25 A. I don't know.

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1       Q. Well, had you guys been -- when Karen got  
2 out, did you guys celebrate by using heroin?

3       A. I guess you could say that.

4       Q. Did you guys celebrate by injecting heroin  
5 and methamphetamine? I guess you could say that?

6       A. I guess you could say that.

7                     (Mr. Granberg entered the courtroom.)

8       Q. But you don't remember particularly what  
9 day she got out?

10      A. No, I don't.

11      Q. If the records reflect that she got out on  
12 November 14, 2012, at around 12:46 in the afternoon,  
13 would you have any reason to doubt that?

14      A. No.

15      Q. Now, you talked a little bit about your --  
16 she asked you -- Ms. Torraco asked you some  
17 questions about when it was that you were last  
18 interviewed by the people at the prosecution table,  
19 and you said you didn't remember initially; right?

20 Right?

21      A. I guess so.

22      Q. And then later on you said, "Well, it was  
23 yesterday."

24      A. Well, she asked me the questions and I  
25 agreed, yeah.

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1       Q. Yeah. And so at least when you were  
2 standing up there on the witness stand, you had said  
3 you didn't remember something that had just occurred  
4 yesterday; right? Right?

5       A. I don't remember the exact times, but  
6 yeah.

7       Q. She just asked the day. She didn't ask  
8 the time; right?

9       A. I don't know.

10      Q. When Karen was locked up, would you say  
11 you focused your efforts on trying to get her out?

12      A. Yeah.

13      Q. Were you still using heroin --

14      A. Yes.

15      Q. -- cocaine, acid --

16      A. No.

17      Q. -- or crack or any of the other things  
18 while she was in jail?

19      A. Heroin.

20      Q. And when you say you needed to not be  
21 sick, or to get well, I think is the word you used;  
22 right?

23      A. Right.

24      Q. Because if you're addicted to heroin, you  
25 start to get withdrawal symptoms?

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1 A. Correct.

2 Q. And that feels pretty bad, doesn't it?

3 A. Yes.

4 Q. And then basically you're focusing -- your  
5 goal is to try and get well?

6 A. Well.

7 Q. And the way you get well is, you inject  
8 heroin?

9 A. Yes.

10 Q. Now, as I understand it, at least, while  
11 you were there using heroin, you were also working  
12 to try and secure additional money so she could get  
13 out on bond?

14 A. Right.

15 Q. You had to put cash up to get her out on  
16 bond; right?

17 A. Yes.

18 Q. And Mr. Gallegos was helping you raise  
19 that cash.

20 A. Yes.

21 Q. And the way you guys were raising that  
22 cash was cutting up metal?

23 A. Correct.

24 Q. Cutting up cars?

25 A. Recycling.

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1 Q. And that's hard physical labor?

2 A. Yeah.

3 Q. You use a lot of tools, cutting torches,  
4 things like that, in order to get the metal from the  
5 cars?

6 A. That's correct.

7 Q. And was that where the area -- did the  
8 compressor -- was the compressor used in trying to  
9 secure this metal so you could sell it?

10 A. No.

11 Q. What was the compressor used for?

12 A. Putting air in tires.

13 Q. In terms of the metal, were there  
14 situations in which you were trying to strip copper  
15 and secure different kinds of metals because some  
16 was more valuable than others?

17 A. That's correct.

18 Q. And when Mr. Gallegos stripped copper,  
19 where did he do that?

20 A. Wherever the copper was.

21 Q. I mean, was it in the house? Was it in  
22 the yard?

23 A. Depends on how much copper it is.

24 Q. I'm sorry, what?

25 A. It depends on the copper is wire or if --

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1 it could be different types of copper in different  
2 places, you know.

3 Q. So whenever he would find copper, he would  
4 strip it; correct?

5 A. I guess if it belonged to him. I'm not  
6 too sure, you know.

7 Q. Well, I guess what I'm trying to say is,  
8 during this process when he was trying to help you  
9 raise money so your girlfriend could get out, he was  
10 dividing the metals up so he could sell it for a  
11 particular price; right?

12 A. Right.

13 Q. You understood that some metals are more  
14 valuable than others?

15 A. Yes.

16 Q. And copper is one of those that's more  
17 valuable, perhaps, than just steel?

18 A. Oh, yes.

19 Q. So -- and that whole process, like you  
20 said -- that's hard labor?

21 A. Yes.

22 Q. And you know, you could cut yourself, you  
23 could hurt yourself, because you're around a lot of  
24 sharp edges and tools; right?

25 A. That's correct.

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1 Q. Have you looked at any photographs or  
2 reviewed any reports that you have made in  
3 connection with your testimony here today?

4 A. I looked at my own testimony, yes.

5 Q. Your own testimony. Now, when you say  
6 your testimony, are you talking about statements  
7 that you've made to --

8 A. Yes.

9 Q. You got to let me finish the question; all  
10 right -- to the police; right?

11 A. Yes.

12 Q. Did you happen to hear a taped statement  
13 that you had done back in December of 2015?

14 A. No.

15 Q. Do you remember being picked up and taken  
16 into custody by two officers with the New Mexico  
17 State Police, one a woman, one a man?

18 A. Yes.

19 Q. Okay. And was that -- to the best of your  
20 recollection, was that December 16, 2015?

21 A. I don't recall.

22 Q. Well, was it in December of 2015?

23 A. I don't recall.

24 Q. Was it in the year 2015?

25 A. I don't recall. I'm not good with

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1 numbers. I don't recall dates. If it says it on  
2 the paper, then I'm sure it's true.

3 Q. Mr. Castellano began his investigation or  
4 his interrogation of you with the date December --  
5 or November 12th; correct?

6 A. Yes.

7 Q. He started with that date; right?

8 A. I guess so.

9 Q. And you said you remembered that date;  
10 right?

11 A. I guess so.

12 Q. Do you remember that date, or did you just  
13 follow his lead?

14 A. If it says it on the paper, then that's  
15 the date. I'm not -- I don't -- I don't know.

16 Q. Well, I'm just sort of asking you, you  
17 know, for a year. Can you even tell me the year  
18 that Officer Madrid picked you up and took you in to  
19 the station house to question you?

20 A. No, I don't know.

21 Q. But you do remember being questioned;  
22 right?

23 A. Yeah. Yes.

24 Q. Do you remember telling them during that  
25 interrogation about a friend of yours named Anthony

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1 Chavez?

2 A. Yes.

3 Q. And you told them that the family he was  
4 with was trying to poison him?

5 A. That's true.

6 Q. And that, in fact, they'd poisoned their  
7 own son by accident?

8 A. I was told that, yes.

9 Q. And you wanted them to try to investigate  
10 that; right?

11 A. He asked me to ask -- to tell him, so I  
12 did.

13 Q. Well, you went there and they asked you  
14 about certain activities that you knew about the  
15 Gallegos brothers, and you volunteered this stuff  
16 about Anthony Chavez; right?

17 A. Anthony asked me to tell the police that  
18 they were trying to kill him, and they were.

19 Q. Okay. So Anthony told you that?

20 A. Yes.

21 Q. Did they actually kill their son?

22 A. I don't know.

23 Q. Do you know whether or not the police who  
24 you told about this crime actually --

25 A. I don't have any idea.

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1 Q. -- investigated it?

2 A. I don't have any idea.

3 Q. You were never contacted later to say,

4 "Hey, look" --

5 A. No.

6 Q. You've got to wait for the question.

7 Okay? Here's the thing. She has to write down this  
8 dialogue we're having.

9 A. Okay.

10 Q. So if you answer the question before I  
11 finish it, it makes it much harder for her. Okay?

12 A. Sorry.

13 Q. You may not care about me, but you do need  
14 to care about her. Okay?

15 A. Okay.

16 Q. Did you tell the police at that time that  
17 they were dipping his insulin needles in PCP?

18 A. No.

19 Q. So you never said anything to them, quote,  
20 "He was in a coma for almost two months at their  
21 house because they were getting his insulin syringes  
22 and dipping them in PCP"?

23 A. No, I said that they were dipping them in  
24 human feces, is what he told me.

25 Q. Feces. Was that interview that you had on

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1 December 16, 2015, recorded?

2 A. I don't know.

3 Q. Did they indicate to you, "Look, we're  
4 going to record this interview"?

5 A. I don't remember.

6 Q. Have you ever listened to it at any time  
7 since --

8 A. No.

9 Q. You have to wait.

10 A. I'm sorry.

11 Q. That's the rule. Okay?

12 A. I'm sorry.

13 Q. Do you remember at that time that they  
14 read you your Miranda rights -- you know what I mean  
15 by that phrase, don't you?

16 A. Yes.

17 Q. And you've heard that before; right? Your  
18 Miranda rights?

19 A. Yes.

20 Q. It's been given to you on other cases that  
21 you've been involved in; correct?

22 A. Correct.

23 Q. And do you remember if they read to you  
24 your Miranda rights and told you that you had a  
25 right to remain silent?

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1 A. I don't remember.

2 Q. Well, if they had read your Miranda  
3 rights, would it include that you had a right to  
4 remain silent?

5 A. Yes.

6 Q. Would it include the right that at any  
7 time you wanted to stop questioning, you could?

8 A. Yeah.

9 Q. And would it include the fact that you had  
10 a right to have a lawyer present during any  
11 questioning?

12 A. Yes.

13 Q. Did you tell them that -- in answer to  
14 your questions about what happened at Mr. Gallegos'  
15 house, "I didn't do nothing"?

16 A. I don't recall. I didn't do nothing.

17 Q. Did you tell them anything about your  
18 friend having to go to the Allsup's, and the  
19 paramedics were called by Mr. Gallegos to revive  
20 him?

21 A. Yes.

22 Q. Do you remember saying that to them?

23 A. Yes.

24 Q. Do you remember telling them that the  
25 Valencia County cops were crooked?

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1 A. Yes.

2 Q. And do you remember telling them that the  
3 Los Lunas cops were crooked?

4 A. I don't recall that, but --

5 Q. Do you remember if they agreed with you  
6 that those cops were crooked?

7 A. I don't remember that, either.

8 Q. Do you remember if they asked you if you'd  
9 been taking anything before they picked you up to  
10 interview you?

11 A. No.

12 Q. Do you remember telling them, "I took a  
13 couple of shots"?

14 A. I don't remember that.

15 Q. "Are you on anything right now?" Do you  
16 remember that question?

17 A. No.

18 Q. You said, "I took a couple of shots." Do  
19 you remember that answer?

20 A. No.

21 Q. Do you remember, "About how long ago?"  
22 And your answer was, "Right before you guys came to  
23 talk to me"?

24 A. I don't remember that.

25 Q. Do you remember if they asked you if you'd

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1 ever seen Joe -- they called Joe "Joe Lawrence" a  
2 lot. Do you remember that?

3 A. Yes.

4 Q. Do you remember, they asked you if you'd  
5 ever seen him violent or anything?

6 MR. CASTELLANO: Objection, calls for  
7 hearsay.

8 THE COURT: Sustained.

9 BY MR. SINDEL:

10 Q. Were these statements that you made in  
11 response to their questions?

12 A. I don't know. I don't know.

13 Q. Did you ever tell them that you'd never  
14 seen him violent?

15 MR. CASTELLANO: Objection. Calls for  
16 hearsay.

17 THE COURT: Sustained.

18 BY MR. SINDEL:

19 Q. Had you ever seen Mr. Gallegos violent?

20 A. Yes.

21 Q. And when was that?

22 A. I don't recall the date.

23 Q. What year?

24 A. I don't recall.

25 Q. Month, decade?

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1 A. Probably the last decade.

2 Q. And when does the last decade stretch --  
3 from when to when?

4 A. Ten years.

5 Q. From when to when?

6 A. From 2010 to 2020, I guess.

7 Q. All right. And do you remember the  
8 circumstances where you claim now that you've seen  
9 him violent?

10 A. Yeah.

11 Q. Did you tell them at the time that you  
12 were interviewed that you'd never seen him violent?

13 A. I don't recall.

14 Q. Well, if that was in 2015, would that have  
15 been within the last decade?

16 A. Yeah.

17 Q. So at least at that point in time, you had  
18 told them in 2015 you'd never seen him violent;  
19 right?

20 A. I guess you're -- I guess so.

21 Q. And at that time Mr. Gallegos was locked  
22 up, wasn't he? He was in jail; right?

23 A. Yes.

24 Q. And he hasn't gotten out since, as far as  
25 you know; right?

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1 A. Yeah. Yes.

2 Q. So at least in December 2015, you couldn't  
3 recall any incidents where he appeared to be  
4 violent?

5 A. Correct.

6 Q. Did you ever indicate that you were not  
7 afraid of Mr. Gallegos?

8 A. Correct. I didn't have any reason to be,  
9 I guess.

10 Q. And when they asked you whether or not you  
11 had cleaned up anything in the apartment, did you  
12 say to them, "No, that's bullshit. I didn't clean  
13 up nothing"?

14 A. I don't recall.

15 Q. Did you say, "Well, I didn't fucking do  
16 nothing"?

17 A. I don't recall.

18 Q. Do you remember saying to them, "I need a  
19 lawyer now"?

20 A. I don't recall.

21 Q. Well, let me see if you can remember this.  
22 Do you remember saying to them: "What did the  
23 evidence show? What evidence?"

24 And the officer said, "I'm going to tell  
25 you."

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1           And you said, "I'm not going to say  
2 that" --

3           MR. CASTELLANO: Objection. Calls for  
4 hearsay.

5           THE COURT: I think we're dealing with  
6 impeachment here, so overruled.

7 BY MR. SINDEL:

8 Q. "I'm not going to say that. Fuck that  
9 shit. I need a lawyer now."

10 A. I don't recall.

11 Q. Is it possible that those are the words  
12 that you used when you were being recorded?

13 A. I don't recall.

14 Q. Did they at any time give you a lawyer?

15 A. No.

16 Q. Did you at multiple times during the  
17 course of that interrogation request a lawyer?

18 A. What interrogation is this?

19 Q. December 15, 2016, Janice Madrid from the  
20 New Mexico State Police.

21 A. I didn't have no lawyer, no.

22 Q. Did you ask for one?

23 A. I don't recall. I don't remember.

24           THE COURT: Mr. Sindel, is this a good  
25 time for us to take our morning break?

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1 MR. SINDEL: It would be, Your Honor.

2 Thank you.

3 THE COURT: Let's be in recess for about  
4 15 minutes. All rise.

5 (The jury left the courtroom.)

6 THE COURT: All right. Everyone be  
7 seated. A few things, comments back, feedback on  
8 the document that was given me.

9 Mr. Cooper, Ms. Harbour-Valdez, if you'll  
10 give Ms. Bevel a clean copy, I think we need to file  
11 this in some way. I'll file it under seal, because  
12 I think we'll do that. But I do think we need to  
13 get it of record.

14 I appreciate this. I think this is a  
15 good-faith response to the Court's concerns. I  
16 don't feel blown off. But we've got to get it  
17 across the line. I'm feeling a lot of pressure here  
18 on the second day of the fourth week, and so we need  
19 to bring this to a conclusion. So let's not let up.  
20 I think we have to get this across the goal line. I  
21 know I'm asking for a lot, but work with me.

22 I'm a visual guy, and so I probably need  
23 to have something in a different format. So think  
24 about doing sort of a spreadsheet, boxes for each  
25 day with a calendar. It can be multiple pages or

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1 something, but leave the weekends blank so we know  
2 what week we're working on, and maybe turn the page  
3 sideways or however we need to do it. We can print  
4 it off on legal paper, and then we can revise it,  
5 but sort of a spreadsheet format.

6 We're going to have to get there. So I'm  
7 going to push you to do it. Let's go ahead -- the  
8 next chart I see, let's start replacing day 1 with  
9 days and dates so we know what we're looking at.

10 On day 2, I'm having some difficulty  
11 reading and understanding it. If you just look at  
12 the times there, you can't get that much time in a  
13 day. So you'll have to sort of explain at some  
14 point to me what is going on. If we really push it,  
15 we can get seven and a half hours a day. Probably a  
16 normal day, we're getting between seven and a  
17 quarter. So I'm not sure exactly what y'all told  
18 me, but like for day 1 you're doing 6.4. I think we  
19 can do better than that.

20 The second day is probably too much. So  
21 we can talk about that, whether we ought to be  
22 calendaring or using seven and quarter or seven and  
23 a half.

24 For example, just look at day 2, Rayna  
25 Blea. You've got 1.0, cross 2.0, then you give it a

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1 zero, so you'll need to explain that to me at some  
2 point.

3 Let's see. I had one other comment, and  
4 it's got Mr. Burke next to it, so I'm not sure what  
5 I was going to say. Oh, I do know what I was going  
6 to say. Mr. Burke, on the motions that Mr. Castle  
7 wanted me to rule on, I ruled on them, so I gave him  
8 what he wanted. But I'm not going to give him the  
9 other half of what he wanted, and that is that I  
10 move to the opinions on those. So I wanted you to  
11 know that I'm giving the oral ruling that Mr. Castle  
12 wanted, but I'm not going to turn to those. I'm  
13 going to ask y'all in a little bit what you want me  
14 to work on. But I'm not going to do what he asked  
15 there and turn immediately to it.

16 All right. Let's take our break, then we  
17 can come back in. If we have a few minutes, I may  
18 get some feedback from you.

19 (The Court stood in recess.)

20 THE COURT: All right. All the defendants  
21 are back in the courtroom, and I think we have an  
22 attorney for each one.

23 Did you have something to discuss,  
24 Mr. Beck?

25 MR. BECK: No, Your Honor, I was going to

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1 answer Your Honor's questions about day 2. The  
2 numbers at the end reflect the updated anticipation  
3 of the United States' presentation of evidence. So  
4 for instance, Daniel Orndorff, Rayna Blea, and DNA  
5 expert will be stipulation. We expect those people  
6 will not testify.

7 THE COURT: Okay. When you put a zero at  
8 the end, you're saying, okay, you're slotting these  
9 witnesses, but you think the end result will be that  
10 they will be a zero.

11 MR. BECK: Right.

12 THE COURT: Let's try another one just so  
13 I make sure I understand the chart. Let's say  
14 Brandon Chavez down in day 3. Same thing?

15 MR. BECK: Same thing. We expect he will  
16 not be called as a witness.

17 MS. HARBOUR-VALDEZ: And then, Your Honor,  
18 underneath it, like, Jose Gomez, the Government  
19 reduced it from 1.25 to an hour. So the last number  
20 is the Government's updated estimate as of 6:00 this  
21 morning.

22 THE COURT: Would that one hour include,  
23 those, your cross?

24 MS. HARBOUR-VALDEZ: No, it's still two  
25 hours' cross.

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1           THE COURT: Well, why don't we do this?  
2 When we reformat this -- and I know I'm demanding a  
3 lot -- but when we reformat this, maybe for that  
4 sort of thing you could put it after -- like, Jose  
5 Gomez 1.25, you could put in parens 1.0, so I can  
6 know where the dispute is.

7           MR. BECK: Sure.

8           THE COURT: All right. All rise.

9           (The jury entered the courtroom.)

10          THE COURT: Mr. Sindel, if you wish to  
11 continue your cross-examination of Mr. Van Veghel,  
12 you may do so at this time.

13 BY MR. SINDEL:

14          Q. On December 6, (sic) 2015, when you were  
15 interviewed by Officer Madrid, or Agent Madrid, did  
16 you ever tell her that you never saw blood on  
17 anything?

18          A. I was probably scared at the time.

19          Q. Did you tell her --

20          A. I don't recall.

21          Q. -- quote, "I never saw blood, nothing like  
22 that"?

23          A. Yes.

24          Q. "I'll tell you guys the truth. Okay?" Do  
25 you remember that statement?

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1           A. I don't remember my exact statements.  
2 That was a long time ago. But if I said that, that  
3 was probably because I was scared.

4           Q. Did you say to them, "Look, I'm scared and  
5 I'm going to say I never saw blood on anything"?

6           A. No.

7           Q. Did you tell them that you tore up the  
8 carpet and that was it?

9           A. I don't recall exactly what I told them.

10          Q. Did you ever ask the prosecution, "Look, I  
11 gave this taped statement to these police officers.  
12 It might help me remember if I listened to it  
13 again"?

14          A. I don't recall that.

15          Q. When you say you don't recall, did you do  
16 it, or did you not do it?

17          A. I don't know.

18          Q. So you may have asked them if you could  
19 listen to the taped statement you made on December  
20 15? Do you remember if they said, "No, you can't"?

21          A. No.

22          Q. Do you know of any reason why someone  
23 would say you could not listen to what you told the  
24 officers was, "I'll tell you guys the truth"?

25          A. I don't know. I don't know.

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1       Q. Let me ask you this. Can you remember  
2 ever listening to your voice on a tape with two  
3 officers from the New Mexico State Police  
4 Department?

5       A. No.

6       Q. If they had told you your Miranda rights  
7 and your right to have a lawyer and you asked for a  
8 lawyer, they violated those rights; they didn't give  
9 you a lawyer; correct?

10      A. I guess you could say that.

11      Q. And if they told you, when they gave you  
12 your rights, "Anytime you want to stop questioning,  
13 all you have to do is tell us you want to stop and  
14 we will stop"; correct?

15      A. Yes.

16      Q. But you said over and over again, "I don't  
17 want to answer any more questions"; right?

18      A. I guess so.

19      Q. And they kept questioning you; correct?

20      A. I guess so.

21      Q. So it was clear at least that when they  
22 gave you this commitment or promise, your Miranda  
23 rights, that they weren't going to keep their part  
24 of that deal; correct?

25      A. I guess.

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1       Q.     Did you ever, in that house or trailer, on  
2 November 12 see a body?

3       A.     No.

4       Q.     Did you ever see Mr. Burns on November 11  
5 or November 12?

6       A.     I don't recall dates. I seen him deliver  
7 drugs there one time.

8       Q.     All right. And was that the time that you  
9 cleaned up the carpet?

10      A.     No.

11      Q.     As I take it, at least, you didn't clean  
12 up any blood off the carpet; right?

13      A.     All I did was roll up the carpet and put  
14 it on the front porch.

15      Q.     Just pull it up off the floor, roll it up,  
16 and put it on the porch?

17      A.     Yes.

18      Q.     Because there wasn't any blood to clean  
19 up, was there?

20      A.     I wasn't looking for blood. I didn't  
21 know -- I was just rolling up the carpet. I just  
22 did what I was told.

23      Q.     Did you see any blood on the carpet as you  
24 rolled it up?

25      A.     No, I wasn't looking. It was dark carpet.

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1 It was dark carpet.

2 Q. Was it during the daytime? You said he  
3 woke you up. Was it morning?

4 A. It was dark outside.

5 Q. Did you tell the police officers on  
6 December 15, 2016, that he woke you up early in the  
7 morning?

8 A. I don't recall that. I recall saying it  
9 was dark when I was woke up. I don't know the time.  
10 I don't know.

11 Q. Well, do you remember if the sun came up  
12 that day?

13 A. It did the next morning.

14 Q. All right. And did you tell them that  
15 you -- they woke you up about the time the sun was  
16 coming up?

17 A. No.

18 Q. You say that you couldn't say for sure  
19 whether there was blood on the carpet because it was  
20 so dark, but you told this jury that you could see a  
21 spot of blood on the freezer; is that right?

22 A. The freezer is white. The blood is red.

23 Q. And you told them you could see a spot of  
24 blood on the compressor.

25 A. The hose was orange, bright orange.

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1 Q. And so what color is the carpet?

2 A. Black, brown, dark color. Same color as  
3 this here.

4 Q. And did you see any indications that you  
5 can recall of any blood on that carpet as you  
6 cleaned it up?

7 A. There was so much debris on the carpet.

8 And I wasn't looking for blood, so I didn't -- I  
9 just rolled up the carpet and put it on the porch.

10 Q. Did you tell the police on December 15,  
11 quote, "There was, I mean, no blood or nothing on  
12 the carpet, dude"? Do you remember saying that?

13 A. If that's what your paper says, I guess I  
14 must have.

15 Q. Do you want to see what I'm reading from?

16 A. Not really.

17 Q. Do you believe me when I'm reading those  
18 words?

19 A. I don't know.

20 Q. I mean, I'll show it to you.

21 A. I don't need to see it.

22 Q. Okay. Do you remember saying, "I did not  
23 have to clean up, dude"?

24 A. I don't remember.

25 Q. Do you remember, as they kept questioning

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1 you, even though you said, "I don't want to answer  
2 any more questions," that you said to them, quote,  
3 "What do you want me to do? What do you want to  
4 hear?" Do you remember that?

5 A. No.

6 Q. Is it possible that you said that?

7 A. I guess.

8 Q. And then as they were sitting there  
9 interrogating you, even though you asked for them to  
10 stop, did you feel that you wanted to supply them  
11 with, quote, "What do you want to hear?"

12 A. No, I don't remember that.

13 Q. Do you want to see it here in black and  
14 white?

15 A. No.

16 Q. As I take it, at least, this carpet that  
17 you pulled from the floor and rolled up -- you just  
18 left it there on the front porch; is that right?

19 A. Yes.

20 Q. You had said here it was dark. Do you  
21 remember answering questions from them and saying,  
22 quote, "I slept in the bed and then I woke up, and  
23 they came and woke me up in the morning"? Do you  
remember saying that?

25 A. Yeah, I guess so.

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1 Q. And that's when they woke you up and had  
2 you lift or tear up the carpet?

3 A. Correct.

4 Q. And to get you well again, because you'd  
5 spent the night without drugs, that he gave you some  
6 heroin?

7 A. Correct.

8 Q. And you popped that heroin into your  
9 system with a syringe; right?

10 A. Right.

11 Q. Just like you always do?

12 A. Just like I used to do it.

13 Q. Excuse me?

14 A. Like I used to do it, yes.

15 Q. Did they ask you whether or not Joe  
16 Gallegos or his brother seemed frantic that morning  
17 when they woke you up?

18 A. I think they did ask me that, yeah.

19 Q. Do you remember saying, "No, they didn't  
20 even look like anything happened. They didn't look  
21 like they did anything wrong. Seriously"? Do you  
22 remember saying that?

23 A. Yeah. I guess that's what happens when  
24 you don't have a conscience.

25 Q. I didn't ask you a question, sir. You

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1 know how to answer questions, don't you?

2 A. I'm not asking you a question. I'm making  
3 a statement.

4 Q. You're not to make a statement. You're to  
5 answer questions. This isn't a speech; correct? Do  
6 you understand that?

7 A. Continue.

8 MR. SINDEL: Your Honor, I'd ask that be  
9 struck as nonresponsive. There was no question  
10 pending.

11 THE COURT: It will be struck. The jury  
12 will disregard it.

13 BY MR. SINDEL:

14 Q. Did you see Adrian Burns at the house the  
15 night before you tore up the carpet?

16 A. No.

17 Q. I'm going to ask you whether you saw  
18 anything that discolored the carpet. Did you say  
19 that "I saw nothing, no nothing, just dirt"?

20 A. I don't recall.

21 Q. Is it possible you said that?

22 A. Possible.

23 Q. And this table leg that Mr. Castellano  
24 asked you to describe -- did you see any blood on  
25 that?

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1 A. No.

2 Q. Did you see anything, human hair on that?

3 A. I didn't look.

4 Q. Did you see anything on that that  
5 suggested to you that it had been used as a weapon  
6 of any kind?

7 A. It's a table leg. It should have been on  
8 the table, and it was broken in half.

9 Q. Did you see anything on the table leg that  
10 suggested to you that it had been used as a weapon?

11 A. Yeah. It was broken in half.

12 Q. All right. Do you know how it got broken  
13 in half?

14 A. No, I don't.

15 Q. Do you know what table it came off of?

16 A. No, I don't.

17 Q. Did you ever see that table leg on a  
18 table?

19 A. No, I didn't.

20 Q. You didn't see anybody get hit with a  
21 table leg, did you?

22 A. I was asleep. I didn't see anything.

23 Q. I'm sorry, what?

24 A. I was asleep. I did not see anything.

25 Q. So the answer is no, you never saw anyone?

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1           A.     Correct.

2           Q.     Now, I think you said at one point in time  
3 after Karen got out of the jail, you and she cleaned  
4 up the apartment; is that right?

5           A.     When Joe had gotten out of jail, he came  
6 and asked me to clean his trailer. It's not an  
7 apartment.

8           Q.     I'm sorry, you're right. The trailer.  
9 And she got out, as we noticed, the early afternoon  
10 of November 14; right?

11          A.     Correct.

12          Q.     And that was before the police came to  
13 search the trailer; right?

14          A.     Correct.

15          Q.     And you guys picked things up, cleaned  
16 things up, tidied up; correct?

17          A.     Correct.

18          Q.     Can you pull up for me Government's  
19 Exhibit 432.

20                 Can you tell us what part of the trailer  
21 we're looking at there in that exhibit? You can  
22 look right next to you. Do you see it? There you  
23 go. What part of the trailer are we looking at?

24          A.     That's right when you first --

25          Q.     Pull the microphone closer, please?

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1 A. That's whenever you first walk in.

2 Q. I'm sorry, what?

3 A. When you first walk into the trailer  
4 looking at --

5 Q. So where is the front door? Is it behind  
6 you as you walk in, look at this scene?

7 A. No, it's in front of you.

8 Q. All right. So can you see the front door  
9 in that photograph where you said the front door is  
10 in front of you?

11 A. No. The front door is like where the  
12 picture is taken from.

13 Q. So the front door is behind the person  
14 taking the picture?

15 A. Correct.

16 Q. So the view that you have there is looking  
17 from the front door towards the rear of the trailer?

18 A. Towards the side, the kitchen.

19 Q. Toward the kitchen? Is this the kitchen  
20 there, with the pots and pans and stuff?

21 A. Yes.

22 Q. And can you see there where -- the  
23 underlayer of the lower -- underneath the carpet,  
24 whatever you call that stuff, it's been pulled back  
25 and the wood is exposed?

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1 A. Yes.

2 Q. Did you do that?

3 A. No.

4 Q. Did the police do that when they came in  
5 for their search? There is a little button. See at  
6 the base there. It should show a green light.

7 A. It's on.

8 Q. Do you see it? So that wasn't like that  
9 when -- after you cleaned up; correct?

10 A. No.

11 Q. Did the trailer look like this after you  
12 and Karen had so diligently cleaned it?

13 A. No.

14 Q. So who wrecked the place?

15 A. That is probably after -- I don't know who  
16 wrecked the place. That's not -- that looks like  
17 probably before or after, I don't know. Whenever we  
18 cleaned it up, there was -- it was -- the trash cans  
19 were dumped out. It was just a mess.

20 Q. This photograph was before or after what?

21 A. I don't know. Before or after the search  
22 warrant was --

23 Q. You didn't take this photograph; right?

24 A. No, I've never taken a photograph in that  
25 house.

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1 Q. Would it be fair to conclude that this  
2 photograph was taken by the police?

3 A. I guess so. I guess, yeah.

4 Q. And what I'm asking you is: After you  
5 guys had so diligently cleaned the trailer, is this  
6 what it looked like?

7 A. I don't recall.

8 Q. Could we see 433, please?

9 Do you recognize this portion of the  
10 trailer?

11 A. Yes.

12 Q. And this -- is this sort of, quote,  
13 unquote, the living room area?

14 A. Correct.

15 Q. And can you see right in this spot right  
16 here what appears to be dust on those shelves, right  
17 in there?

18 A. Yeah.

19 Q. Dust; right?

20 A. Yes.

21 Q. Dust; right?

22 A. Correct.

23 Q. Dust; right?

24 A. Yes.

25 Q. And this was taken apparently by the

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1 police after you and Karen had so diligently cleaned  
2 up; correct?

3 A. That looks like when Sean's son was living  
4 there. They must have been cleaning it up then.

5 Q. That looks like -- I'm sorry, I couldn't  
6 understand you.

7 A. When Sebastian was living there.

8 Q. So this wasn't taken by the police at all,  
9 was it?

10 A. Yes, it was. I'm sure, I guess.

11 Q. Sebastian. That's the first time I heard  
12 his name. When did Sebastian start living there?

13 A. After -- I don't know exactly the dates,  
14 but --

15 Q. After what?

16 A. Joe's girlfriend's son was staying there.

17 Q. Was he staying there on November 12?

18 A. No.

19 Q. Was he staying there on November 13?

20 A. No.

21 Q. Was he staying there on November 14 when  
22 Karen --

23 A. No.

24 Q. You've got to wait.

25 A. Sorry. No one was staying in November at

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1 all.

2 Q. You got to wait. Okay. Was he staying  
3 there on November 14, when you finally got your  
4 girlfriend out of jail?

5 A. No.

6 Q. Was he staying there on November 15, when  
7 the police came in with the search warrant?

8 A. No, he wasn't staying there in November at  
9 all.

10 Q. Okay. So this photograph was taken before  
11 Sebastian ever arrived; right?

12 A. I don't know when the photograph was  
13 taken.

14 Q. Okay. If that photograph has been  
15 identified as a photograph taken by the police on  
16 November 15, would that be how the apartment looked  
17 after you guys had cleaned it up?

18 A. Possibly. I don't recall.

19 Q. When you see all this stuff on the floor;  
20 correct? Right there, right there, right there,  
21 right there, right there; correct?

22 A. Correct.

23 Q. And can we see Exhibit 434, please?

24 Does this photograph depict the  
25 compressor?

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1 A. Yes.

2 Q. And is that compressor located anywhere  
3 near where you pulled the carpet up?

4 A. No.

5 Q. This is the compressor here; is that  
6 right?

7 A. I don't know if -- that's the compressor,  
8 yes, but I don't know if that's the compressor.

9 Q. Do you see that big red thing in front of  
10 it?

11 A. I see it.

12 Q. Is that the compressor?

13 A. I don't think that was the same  
14 compressor, but that is the same compressor hose.

15 Q. Okay. So someone changed the hose out or  
16 changed the compressor out, as far as you know, but  
17 left the hose; is that right?

18 A. Correct.

19 Q. That's what you understand? When was it  
20 that they hauled the old compressor out and brought  
21 the new compressor in?

22 A. Ask them. I don't know.

23 Q. I'm asking you, sir.

24 A. How would I know that?

25 MR. CASTELLANO: Speculation.

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1                   THE COURT: Overruled.

2                   MR. CASTELLANO: And foundation.

3                   THE COURT: I think he said he doesn't

4 know, so we'll let the answer stand. Overruled.

5 BY MR. SINDEL:

6                   Q. Let's not ask when. Do you remember them  
7 taking the old compressor out and putting a new  
8 compressor in?

9                   A. No.

10                  Q. And also in that particular photograph, is  
11 that the freezer you said you saw a drop of blood  
12 on?

13                  A. Yes.

14                  Q. And what, if anything, did you do with the  
15 rag after you cleaned up --

16                  A. I don't recall.

17                  Q. -- that one drop of blood?

18                  A. I don't recall. I must have threw it in  
19 the trash. I'm not sure. Could have put it in the  
20 fireplace. I don't remember.

21                  Q. Is the fireplace in the living room?

22                  A. No.

23                  Q. Where is the fireplace located?

24                  A. It's located in the back by Joe's bedroom  
25 in a little addition he built onto that trailer.

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1 Q. And the fireplace was there at the time  
2 that the police came and searched the house on  
3 November 15; is that right?

4 A. That's right.

5 Q. Do you know whether they took anything out  
6 of the fireplace at any time?

7 A. I don't know.

8 Q. You said you had seen Mr. Gallegos with  
9 some handcuffs; right?

10 A. Yes.

11 Q. A pair of handcuffs?

12 A. Yes.

13 Q. You said it was in his truck; right?

14 A. Yes.

15 Q. And that was the only handcuffs you'd ever  
16 seen; correct?

17 A. Yes.

18 Q. You can take that off. Thank you.

19 You said in response to Mr. Castellano's  
20 questions that your memory has been affected by your  
21 continued drug use and drug abuse over the course of  
22 your life since 1999; correct?

23 A. Correct.

24 Q. And when I asked you a number of questions  
25 about the interview you had with the police in

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1 December of 2016, you could barely recall the  
2 interview, couldn't you?

3 A. Correct.

4 Q. And that's because, like you told them,  
5 you had taken two shots before you got there; right?

6 A. Probably, yes.

7 Q. Two shots would have been two hits of  
8 heroin; right?

9 A. Yes.

10 MR. SINDEL: That's all I have.

11 THE COURT: Thank you, Mr. Sindel.

12 Any other defendant have cross-examination  
13 of Mr. Van Veghel?

14 All right, Mr. Castellano, do you have  
15 redirect of Mr. Van Veghel?

16 MR. CASTELLANO: Yes, sir. Thank you.

17 THE COURT: Mr. Castellano.

18 EXAMINATION

19 BY MR. CASTELLANO:

20 Q. Okay, Mr. Van Veghel, are you here  
21 pursuant to a subpoena?

22 A. Yes.

23 MR. SINDEL: Objection, outside the scope  
24 of the cross-examination.

25 THE COURT: Overruled.

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1 BY MR. CASTELLANO:

2 Q. And as part of being subpoenaed as a  
3 witness, is it your understanding that the  
4 Government pays for a hotel and what's called per  
5 diem?

6 A. Yes.

7 Q. And is that what you're getting as part of  
8 being a witness in this case?

9 A. Yes.

10 Q. You mentioned earlier that you didn't want  
11 to mention your girlfriend's name. Are you  
12 concerned about people knowing her name?

13 MS. TORRACO: Objection, leading.

14 THE COURT: Sustained.

15 MS. TORRACO: Can we approach?

16 THE COURT: Well, we're not going to go in  
17 that area. You can approach, if you want, but we're  
18 just not going to go there.

19 BY MR. CASTELLANO:

20 Q. Do you know Morgan Ramirez?

21 A. Yes.

22 Q. How did you know her?

23 A. She was Joe's girlfriend prior to Shauna  
24 being his girlfriend, I guess.

25 Q. So did you know another girlfriend of his

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1 named Shauna?

2 A. Yes.

3 Q. Is that the person you said was --

4 Sebastian was her son?

5 A. Sebastian was her son, yes.

6 Q. When you were talking about Shauna, how

7 much later in time is Shauna as a girlfriend as

8 opposed to Morgan?

9 A. Oh, probably -- I'm not exactly sure the  
10 amount of time.

11 Q. But is she someone you knew as a  
12 girlfriend after Morgan Ramirez?

13 A. Yes.

14 Q. How did Joe feel about Morgan Ramirez?

15 A. I don't know.

16 Q. You were asked about your prior  
17 convictions and whether you pled guilty to them. Do  
18 you know the difference between a guilty plea, a no  
19 contest plea, or an Alford plea?

20 A. No, not really.

21 Q. Okay. So do you recall whether it was any  
22 of those types of pleas when you pled to these  
23 charges, your prior charges?

24 MR. SINDEL: Your Honor, I don't know how  
25 he can answer that question if he doesn't even know

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1 what it is.

2 THE COURT: Well, if he can answer it.

3 MR. SINDEL: Your Honor, I also believe  
4 there is no foundation for this particular question.

5 THE COURT: Well, these are things that he  
6 did. If he doesn't understand it, he can explain.

7 Overruled.

8 BY MR. CASTELLANO:

9 Q. Do you know the difference between those  
10 three different types of pleas?

11 A. No.

12 Q. So do you recall if it was any one of  
13 those that you may have pled to when you pled guilty  
14 to your prior charges?

15 A. I might have pled no contest, and I don't  
16 even know what that means, but...

17 MR. SINDEL: Your Honor --

18 THE COURT: Sustained. I'm going to  
19 strike that answer. It's not like he has any  
20 knowledge there. So the jury will disregard that.

21 BY MR. CASTELLANO:

22 Q. In terms of the timeline, you were asked  
23 whether Karen was in jail for the matanza. Do you  
24 remember that?

25 A. Yes.

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1 Q. Was she still in jail at that time?

2 A. I think so. I think she was, yes.

3 Q. And was she still in jail when you pulled  
4 up the carpet and put it on the porch?

5 A. Yes.

6 Q. Let me ask if these are two separate  
7 incidents. Is the incident where you pulled up the  
8 carpet, one incident, different than when you and  
9 Karen cleaned the house?

10 A. Yes.

11 Q. When was the time that you and Karen  
12 cleaned the house?

13 A. After Joe was released from jail, when the  
14 Socorro County judge released her for lack of  
15 evidence or something.

16 Q. Was it fair to say that he'd been --

17 MR. SINDEL: Your Honor, I couldn't quite  
18 understand.

19 THE COURT: He said after Joe was released  
20 from the jail, when the Socorro County judge  
21 released her.

22 MR. SINDEL: Oh, okay.

23 BY MR. CASTELLANO:

24 Q. So was this a time after Joe was arrested  
25 and released from jail?

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1       A. When Joe was released from jail, he came  
2 to the motor home that I was staying at, and asked  
3 me to come help him clean up his trailer.

4       Q. Was that a time after the police executed  
5 a warrant at his place?

6       A. Yes.

7       Q. And you were asked if you recall that  
8 Karen was released on November 14. Do you remember  
9 that, either way?

10      A. I don't remember the dates, but, yes.

11      Q. You were also asked about this interview  
12 with state police on December -- in December of  
13 2015. Do you remember being asked about that?

14      A. Yes.

15      Q. And do you recall the portion where there  
16 is discussion of an attorney from that interview?

17      A. I don't really recall the interview at  
18 all.

19      Q. Would it help to refresh your recollection  
20 to take a look at that report?

21      A. Yes.

22           MR. CASTELLANO: May I approach, Your  
23 Honor?

24           THE COURT: You may.

25           MR. SINDEL: I'm sorry, he's going to use

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1 a report that this individual never prepared or  
2 never reviewed to refresh his recollection.

3 THE COURT: Why don't you do this: Let's  
4 you and Mr. Castellano come up here to the podium  
5 and put a white piece of paper, clip it, or  
6 something, over the substance. If he can't remember  
7 the interview at all, I'll allow him to refresh it  
8 with looking at the title of it, and see if that  
9 helps him refresh his memory as to whether or not he  
10 was involved in the interview. Then if we need to  
11 get into substance, we can go to the substance  
12 later, but...

13 (The following proceedings were held at  
14 the bench.)

15 THE COURT: Let's do this, since the  
16 question on the table is if he doesn't recall the  
17 interview at all. Show him the first page, and then  
18 why don't you show him -- Ms. Bevel, do you have any  
19 of those -- these right here that are long? I'll  
20 just use two of these. Show him the front page.  
21 Show him that right there. Then you can ask him to  
22 put it down and ask him now does he recall, and  
23 we'll take it a step at a time.

24 MR. SINDEL: Your Honor, what I understand  
25 is that what Mr. Castellano is interested in is this

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1 situation in which she says, "I informed him he  
2 couldn't place what he was saying on paper and he  
3 agreed to speak without his lawyer present." That's  
4 not an accurate reflection of what's in the  
5 transcript. I do have it transcribed. There are  
6 multiple -- at least six situations which he asked  
7 for a lawyer. It is one of the things where the  
8 cops are saying, "If you won't answer the questions,  
9 we can't put it down on a piece of paper and take it  
10 to the prosecuting attorneys." I think that the way  
11 it's worded in there is not his words; it's her  
12 words. And I don't think it's proper to refresh his  
13 recollection with --

14 THE COURT: Do you have any problem with  
15 phrasing it the way that Mr. Sindel is saying it?

16 MR. CASTELLANO: Well, I do, because  
17 that's not the point of refreshing recollection.  
18 You can refresh recollection with anything.

19 THE COURT: I agree with that. It's just  
20 the problem here is that I don't want him seeing it  
21 before he says his memory needs to be refreshed.  
22 But here's -- I think Mr. Sindel's concern is the  
23 way that he is characterizing what occurred on the  
24 tape, the transcript accurate, and can you just  
25 track the language that's in the tape and transcript

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1 rather than what's here in the 302, or whatever this  
2 supplemental report is.

3 MR. CASTELLANO: Well, the point I'm  
4 making is there is no doubt he did invoke his right  
5 to an attorney and there is no doubt the state  
6 police told him that they couldn't put down what he  
7 said on paper, which is reflected in the reports.  
8 And after they tell him that, he approaches them and  
9 says, "Okay, I want to tell you the truth about what  
10 happened."

11 So regardless of the number of times that  
12 he invoked, ultimately he's the one who reapproached  
13 state police and said, "I do want to make a  
14 statement at this point," and then gives them  
15 information about pulling up the carpet and things  
16 of that nature. So we're talking about different  
17 things here.

18 MR. SINDEL: First of all, in the  
19 transcript -- there is no break in the transcript in  
20 terms of reapproaching. He never leaves -- they  
21 never grant him his rights to remain silent even  
22 though he says he doesn't have anything more to say.  
23 And when he asks for a lawyer, they don't grant him  
24 one. They tell him, "If you want us to put it down,  
25 you have to answer our questions." He never says,

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1 you know, "I want to go ahead." It's they --

2 THE COURT: So we have a transcript or an  
3 audio?

4 MR. SINDEL: Both.

5 THE COURT: Both. Why don't we do this:  
6 It seems to me that it would be fairer for your  
7 questions to track the transcript, which is what  
8 you're saying; correct?

9 MR. SINDEL: Correct.

10 THE COURT: Than it is to track some  
11 summary.

12 MR. CASTELLANO: What the summary says,  
13 they told him they couldn't put it on paper. I mean  
14 the summary says --

15 THE COURT: I just think that's unfair.  
16 If we've got a transcript, you can track the  
17 language of the transcript. But I don't think some  
18 characterization of it is fair. It seems to me  
19 they've got a transcript. That's the fairest thing;  
20 not some report that's characterizing it. So if you  
21 want to track the questions and the language that's  
22 in the transcript, I'll let you do that. But I  
23 think that a supplemental report deviates from it.  
24 That seems to me to be manufacturing evidence and  
25 makes me uncomfortable.

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1                   MR. CASTELLANO: I need to borrow the  
2 transcript from defense counsel.

3                   THE COURT: Do you have one? Do you have  
4 one you can share?

5                   MR. SINDEL: Yeah, there is quite -- I'll  
6 have to look and note it and mark it for him. Why  
7 doesn't he go ahead with his examination and then  
8 I'll be doing that, because there's a number of  
9 times.

10                  THE COURT: Okay. If you've got a copy of  
11 the transcript, Ms. Bevel can copy it, and you can  
12 help him.

13                  MR. SINDEL: I can do that.

14                  THE COURT: Ms. Bevel -- are you going to  
15 hand her a copy?

16                  MR. SINDEL: I am. I do want to make it  
17 clear, what happens is that he's picked up by the  
18 police, he's taken in their car to the police  
19 station. That entire event is recorded. There is  
20 really nothing of consequence that occurs until  
21 around 22 minutes in. Plus there's a lot of  
22 recording and I hope you can verify that's in the  
23 car, so you can hear. So I don't want there to be  
24 any question that we start our transcript at a  
25 certain spot because I simply --

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1           THE COURT: Let me ask this. What are you  
2 looking at right this minute to look at the  
3 transcript? Is it on your computer?

4           MR. SINDEL: No, I have it on paper. I  
5 can give it to you.

6           THE COURT: All right.

7           MR. SINDEL: I just don't want any  
8 question that I only started the transcript at 22  
9 minutes in. Well, there was nothing before that.  
10 Okay? So -- and I know if you've listened to it,  
11 you've heard -- you can't understand a word --

12           THE COURT: Well --

13           MR. SINDEL: -- before they get to the  
14 police station.

15           THE COURT: Is this what Mr. Benjamin is  
16 bringing up here? Are you bringing the transcript?

17           MR. BENJAMIN: Yes, Your Honor. I don't  
18 know if it's going to feed through a copier.

19           THE COURT: You don't know what?

20           MR. BENJAMIN: He's got the paper tabs on  
21 it.

22           MR. SINDEL: I have it on a computer  
23 without all these notes and tabs. Why don't I email  
24 it to the clerk right now?

25           THE COURT: Okay.

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1 MR. SINDEL: That will be easier.

2 THE COURT: Can you give us five minutes  
3 to come back. Do you have more stuff, or are you  
4 about done?

5 MR. CASTELLANO: A little bit.

6 THE COURT: All right. He's going to  
7 email it to you. We'll print out that transcript  
8 and just take it over to Mr. Castellano, and if you  
9 need a minute to look at it --

10 MR. CASTELLANO: I will, Your Honor.

11 THE COURT: Okay.

12 MR. SINDEL: Thank you.

13 (The following proceedings were held in  
14 open court.)

15 THE COURT: All right, Mr. Castellano.

16 MR. SINDEL: May I have just a second?

17 THE COURT: You may.

18 MR. SINDEL: All right, Your Honor. Thank  
19 you.

20 THE COURT: All right. Mr. Castellano.

21 MR. CASTELLANO: Thank you, Your Honor.

22 BY MR. CASTELLANO:

23 Q. When the state police pulled you in, were  
24 you nervous or scared when you spoke to them?

25 A. Yes.

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1 Q. What were you concerned about?

2 A. That Joe and Andrew would think that I was  
3 ratting on them.

4 Q. Was that a concern to you?

5 A. Yes.

6 Q. So when you told them the things that you  
7 told them -- and I'm referring to the state  
8 police -- what was going through your mind when you  
9 first started speaking to them?

10 A. That they were going to try and charge me  
11 for something, that I didn't even know that I did  
12 anything wrong. If I did anything wrong, what, you  
13 know.

14 Q. And then do you remember the point when  
15 you asked for an attorney?

16 A. No, I don't remember. I don't remember  
17 exactly when.

18 Q. Do you remember a point where you agreed  
19 to tell them what happened?

20 MR. SINDEL: I object to the leading form  
21 of the question and I also believe this matter has  
22 been resolved. He said he didn't even remember the  
23 interview.

24 THE COURT: This is another foundational  
25 question. I'll allow this. Overruled.

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1 A. Yes.

2 BY MR. CASTELLANO:

3 Q. At what point do you recall, without even  
4 looking at the transcript -- at what point do you  
5 recall agreeing to say something to the state  
6 police?

7 A. I don't remember exactly when.

8 Q. Do you remember if, on that occasion, you  
9 told the state police about tearing up the carpet  
10 from the house?

11 MR. SINDEL: I'm going to object to the  
12 leading form of the question.

13 THE COURT: Overruled.

14 A. Yeah, I remember I told them the role that  
15 I played, I guess. I just told them what happened.  
16 I don't even know what had happened. But I told  
17 them what I did. I pulled up the carpet and stuff.

18 Q. You were asked about seeing blood on the  
19 carpet. What do you remember about the lighting  
20 conditions in that trailer?

21 A. It's dark. It's real dark in there.

22 Q. And were you looking for blood when you  
23 pulled up the carpet?

24 A. No.

25 Q. Did you think anything about blood until

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1 you saw something on the freezer and on the  
2 compressor hose?

3 A. No.

4 Q. Let me show you Government's Exhibit 434.  
5 I'm circling what I'll call a red  
6 compressor with an orange hose. Do you see that,  
7 sir?

8 A. Yes.

9 Q. I think you mentioned when the defense  
10 attorney was questioning you that there was -- you  
11 could see a contrast between the orange and what you  
12 thought was blood, something red on the hose. Do  
13 you remember that?

14 A. Yes.

15 Q. And how -- did it look like blood?

16 A. Yes.

17 Q. And did it wipe away as if it was still  
18 wet?

19 A. Yes.

20 Q. Now, I want to compare that to what you  
21 saw on the freezer, which I'm circling here. Is  
22 that the white freezer in the lower right-hand  
23 corner of the picture?

24 A. Yes.

25 Q. How was what you scraped off the freezer

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1 different from what you scraped off the hose?

2 A. What I scraped off the hose was wet. And  
3 on the freezer it was just one drop, and it was dry.

4 Q. And then did you have to do more than just  
5 use a rag to wipe that away?

6 A. Yeah, it wouldn't just wipe away. There  
7 was a grinder sitting there, so I turned it on and  
8 grinded it off the freezer.

9 Q. When you were in jail, do you remember  
10 being arrested on a warrant?

11 A. That was for that check forgery? Yes. I  
12 remember that.

13 Q. You were asked about that. Which jail  
14 were you in?

15 A. The Valencia County Detention Center.

16 Q. And when you were in that jail, did anyone  
17 approach you about ratting on Joe?

18 A. Yes.

19 MR. SINDEL: Your Honor, he's testified  
20 that he was arrested on the check in 2006. That was  
21 what his testimony was.

22 THE COURT: Well --

23 MR. SINDEL: I object to the  
24 characterization. It's also leading.

25 THE COURT: Overruled.

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1 MR. CASTELLANO: He testified that the  
2 trial litigation was in 2006.

3 MS. TORRACO: Objection.

4 THE COURT: It's overruled.

5 MS. TORRACO: I have a different basis.

6 THE COURT: All right.

7 MS. TORRACO: This is beyond the scope of  
8 direct and both crosses. In the earlier direct, we  
9 should have been allowed to go into this.

10 THE COURT: Overruled.

11 BY MR. CASTELLANO:

12 Q. Did anybody approach you in the jail about  
13 ratting on Joe?

14 A. Yes.

15 MR. SINDEL: Objection, hearsay.

16 THE COURT: Overruled.

17 BY MR. CASTELLANO:

18 Q. What was the answer, sir?

19 A. Yes.

20 Q. And did that concern you?

21 A. Yes. It was another inmate from a  
22 different cell during the count period. They  
23 traded -- each traded with a different -- with the  
24 inmate that was my celly, and he was in there, and  
25 he started asking --

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1           THE COURT: Hold on. I think -- are you  
2 trying to elicit any more on this?

3           MR. CASTELLANO: No, Your Honor.

4           THE COURT: All right. Let's stop here.

5           And you can only consider this for the  
6 impact that it had on Mr. Van Veghel's mind. You  
7 can't consider it for the truth of the matter. So  
8 it's just for the impact that it had on  
9 Mr. Van Veghel.

10          Mr. Castellano.

11          MR. CASTELLANO: Thank you, Your Honor.

12 BY MR. CASTELLANO:

13          Q. Mr. Van Veghel, did someone approach you  
14 after you had been cooperative with the FBI? Was it  
15 after that time?

16          A. Yes.

17          MR. CASTELLANO: Your Honor, I pass the  
18 witness.

19          THE COURT: All right. Thank you,  
20 Mr. Castellano.

21          All right, Mr. Van Veghel, you may step  
22 down. Is there any reason that Mr. Van Veghel  
23 cannot be excused from the proceedings?

24 Mr. Castellano?

25          MR. CASTELLANO: No, Your Honor.

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1           THE COURT: How about from the defendants?

2           MR. SINDEL: No, Your Honor.

3           THE COURT: All right. Ms. Torraco? All  
4 right.

5           Not hearing any objection, you are excused  
6 from the proceedings. Thank you for your testimony.

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5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 13th day of May, 2018.

13

14

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